

THE
Punjab Legislative Assembly
Debates.

From 2nd February to 1st March, 1940.

From 2nd Feb to 1st March 1940

Vol. XI—A.

OFFICIAL REPORT.



Lahore :

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1942.

PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE
ASSEMBLY:

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Deputy Speaker.

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Secretary.

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

Deputy Secretary.

Khan Bahadur Hakeem Ahmad Shujaa, B.A.

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Sardar Gopal Singh (American) (Ludhiana and Ferozepore, General—
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Ali Akbar, Chaudhri (Gurdaspur East, Muhammadan, Rural).

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

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 Urban).

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

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

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

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

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

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

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

MEMBERS—CONTINUED.

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- Faqir Chand, Chaudhri (Karnal North, General—Reserved Seat, Rural).
- Faqir Hussain Khan, Chaudhri (Tarn Taran, Muhammadan, Rural).
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- 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).
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- 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).
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- Hari Lal, Munshi (South-Western Towns, General, Urban).
- Hari Singh, Sardar (Kangra and Northern Hoshiarpur, Sikh, Rural).
- Harjab Singh, Sardar (Hoshiarpur South, Sikh, Rural).
- Harnam Das, Lala (Lyallpur and Jhang, General—Reserved Seat, Rural).
- Harnam Singh, Captain Sodhi (Ferozepore North, Sikh, Rural).
- Het Ram, Rai Sahib Chaudhri (Hissar South, General, Rural).
- Indar Singh, Sardar (Gurdaspur North, Sikh, Rural).
- Jafar Ali Khan, M. (Okara, Muhammadan, Rural).
- Jagjit Singh Bedi, Tikka (Montgomery East, Sikh, Rural).

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- Jugal Kishore, Chaudhri (Ambala and Simla, General—Reserved Seat, Rural).
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- 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).
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- 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 Shah, Syed (Jhang Central, Muhammadan, Rural).
- Muhammad Abdul Rahman Khan, Chaudhri (Jullundur North, Muhammadan, Rural).
- Muhammad Akram Khan, Khan Bahadur Raja (Jhelum, Muhammadan, Rural).
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- Muhammad Amin, Khan Sahib Shaikh (Multan Division Towns, Muhammadan, Urban).
- Muhammad Ashraf, Chaudhri (South-West Gujrat, Muhammadan, Rural).
- Muhammad Azam Khan, Sardar (Dera Ghazi Khan North, Muhammadan, Rural).
- Muhammad Hassan, Chaudhri (Ludhiana, Muhammadan, Rural).
- Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar, C.I.E. (Dera Ghazi Khan South, Muhammadan, Rural).
- Muhammad Hassan, Khan Bahadur Makhdum Syed (Alipur, Muhammadan, Rural).
- Muhammad Hayat Khan Noon, Nawab Sir, Malik (North Punjab, Landholders).
- Muhammad Hussain, Chaudhri, B.A., LL.B. (Gujranwala East, Muhammadan, Rural).

MEMBERS—CONTINUED.

- 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 Sir (Attock Central Muhammadan, Rural).
- Muhammad Nurullah, Mian B. Comt (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).
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- 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, M.B.E. (Sheikhupura West, Sikh, Rural).
- Nawazish Ali Shah, Sayed (Jhang East, Muhammadan, Rural).
- Nur Ahmad Khan, Khan Bahadur Mian (Dipalpur, Muhammadan, Rural).
- Partab Singh, Sardar (Amritsar South, Sikh, Rural).
- Pir Muhammad, Khan Sahib Chaudhri (South-East Gujrat, Muhammadan, Rural).

MEMBERS—CONCLUDED.

- 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).
 Raghbir Kaur, Shrimati (Amritsar, Sikh, Women).
 Ram Sarup, Chaudhri (Rohtak Central, General, Rural).
 Rampat Singh, Chaudhri (Karnal North, General, Rural).
 Rashida Latif Baji, Begum (Inner Lahore, Muhammadan Women, Urban).
 Riasat Ali, Khan Bahadur Chaudhri (Hafizabad, Muhammadan, Rural).
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 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).
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 Satya Pal, Dr. (Amritsar and Sialkot, General, Rural).
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 Shah Nawaz Khan, Nawab Sir (Ferozepore Central, Muhammadan, Rural).
 Shri Ram Sharma, Pandit (Southern Towns, General, Urban).
 Singha, Diwan Bahadur S. P. (East Central Punjab, Indian Christian).
 Sita Ram, Lala (Trade Union, Labour).
 Sohan Lal, Rai Sahib Lala (North Punjab, Non-Union Labour).
 Sohan Singh Josh, Sardar (Amritsar North, Sikh, Rural).
 Sudarshan, Seth (Eastern Towns, General, Urban).
 Sultan Mahmud Hotiana, Mian, B. A. (Pakpattan, Muhammadan, Rural).
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 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.

TABLE OF CONTENTS.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 2nd February, 1940.

	PAGES.
Starred questions and answers	I
Short notice question and answer	27
Factories (Punjab Amendment) Bill	32

Monday, 5th February, 1940.

Starred questions and answers	67
Lathi charge in Gujranwala (Debate on answer to question)	88
State Aid to Industries (Amendment) Bill	88
Thal (Increase in Value) Bill	99

Tuesday, 6th February, 1940.

Government business on 8th February, 1940	131
Reference to late Rai Bahadur Binda Saran	133

Thursday, 8th February, 1940.

Starred questions and answers	135
Adjournment motion (<i>Leave to move</i>)—	
Strike in Government Tanning Institute, Jullundur	167
Relief to Indebtedness (Amendment) Bill	172
Thal (Increase in Value) Bill	172
Report of the Unemployment Committee	204

Friday, 9th February, 1940.

Starred questions and answers	211
Short notice questions and answers	249
Unstarred questions and answers	252
Personal Explanation—	
<i>Re loan by the United Provinces Government</i>	267
Meeting on Wednesday, 21st February, 1940	269
Adjournment	270
Motor Vehicles Taxation (Amendment) Bill	270

Wednesday, 21st February, 1940.

Starred questions and answers	307
Unstarred questions and answers	342
Adjournment motions (<i>Leave to move</i>)—	
Raids in Isakhel	351
Seduction of boys by teachers	359

Education budget of District Board, Jullundur	353
Postponement of elections to local bodies	355
Seating arrangements	356
Government business on Thursday, 22nd February, 1940 ..	356
Motor Vehicles Taxation (Amendment) Bill	364
Excise (Amendment) Bill	389
Adjournment motions (<i>Debate</i>)—	
Postponement of elections to local bodies	393

Thursday, 22nd February, 1940.

Question hour	421
Starred questions and answers	421
Adjournment motions (<i>Leave to move</i>)—	
Rohtak Municipal Committee	457
Discrimination and favouritism to members of ministerial party	459
Excise (Amendment) Bill	462
Adjournment motion (<i>Debate</i>)—	
Discrimination and favouritism to members of ministerial party	494

Friday, 23rd February, 1940.

Starred questions and answers	511
Adjournment motions (<i>Leave to move</i>)	532
Supplementary Estimates (Second Instalment)	536
Appropriation Accounts and Finance Accounts	536
Point of Privilege	536
Excise (Amendment) Bill	537
Relief of Indebtedness (Amendment) Bill	539

Monday, 26th February, 1940.

Starred questions and answers	571
Unstarred questions and answers	599
Questions of S. Teja Singh Swatantar (Ruling)	604
Adjournment motion (<i>Leave to move</i>)—	
Teachers of district board schools, Jullundur	604
Hours of sitting	606
Relief of Indebtedness (Amendment) Bill	606
Adjournment motion (<i>Debate</i>)—	
Teachers of district board schools, Jullundur	661

Tuesday, 27th February, 1940.

Starred questions and answers	685
Adjournment Motions (<i>Leave to move</i>)—	
Nominations to Rohtak Municipal Committee	712
Treatment of 'Haryana Tilak' as unauthorised newspaper	712
Meeting on Wednesday and hours of sitting	718
Supplementary Estimates—General discussion	718
Adjournment	745

Wednesday, 28th February, 1940.

Question hour	747
Relief of Indebtedness (Amendment) Bill	747

Thursday, 29th February, 1940.

Question hour	817
Supplementary Estimates—General discussion	817
Supplementary Demands	824
Token Demands	854

Friday, 1st March, 1940.

Starred questions and answers	863
Budget—Presentation	899

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 2nd February, 1940.

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

STARRED QUESTIONS AND ANSWERS.

PUNITIVE POLICE POST AT RAJA JANG.

***5587. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether punitive police has been posted at Raja Jang, district Lahore, if so, since when ;
- (b) the total strength of the punitive police and its monthly expenses ;
- (c) whether the Sikhs have agreed not to object to *Azan* both inside and outside the mosque in Raja Jang ;
- (d) whether there has been any disturbance in the village for the last ten months ;
- (e) if the answer to (c) above be in the affirmative, and to (d) in the negative, whether Government intend to withdraw the punitive police, if not, why not ;
- (f) whether any letter was received by him from Jathadar Chanan Singh of Aurara on the above subject, if so, when and the action taken or proposed to be taken on it by the Government ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) and (b) The honourable member is invited to refer to the replies given to Assembly Questions *4485¹ and 785² during the last budget session.

(c) Yes ; both prior to the location of the post and subsequently, the Sikhs agreed not to object to the calling of the *Azan*, but until the additional police were located the agreement was not always respected.

(d) Yes, of a minor nature. But for the presence of the police on certain occasions there might well have been serious troubles. For example, on the 14th July, 1939, a Maulvi was assaulted for calling the *Azan*, and if prompt action had not been taken by the police a riot would probably have ensued.

(e) Does not arise.

(f) Yes. The application contained nothing fresh, and did not reveal any grounds for re-opening the case.

APPORTIONMENT OF COST OF ADDITIONAL POLICE POST RAJA JANG.

***5691. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether there are any such persons who hold property in Raja Jang, district Lahore, but do not live there and are carrying on business elsewhere and have been assessed for cost of additional police post ; if so, will he be pleased to lay a list showing their names on the table ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The District Magistrate has not yet been able to complete his apportionment, and it is in consequence not possible at this stage to furnish the desired information ; but I may remind the honourable member that in the terms of the Explanation appended to section 15 of the Police Act, 1861, non-resident property owners are clearly liable to be assessed.

**APPORTIONMENT OF COST OF ADDITIONAL POLICE POST AT
RAJA JANG.**

***5692. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether any instructions were issued by the Government regarding the apportionment of cost of additional police post at Raja Jang, district Lahore ; if so, will he be pleased to lay them on the table ;

(b) will he be pleased also to lay on the table a list of such persons, if any, as have been exempted, their profession and their financial position ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : A copy of the instructions and a list of the exemptees, with the desired particulars, is laid on the table. Government understand that the Deputy Commissioner proposes to submit proposals shortly for the exemption of certain other individuals who are known to have remained aloof from the communal dispute.

Dr. Gopi Chand Bhargava : May I know the reason for exemption of those persons ?

Parliamentary Secretary : Those who have remained aloof from the disputes or those who have been considered too poor to pay the amount, have been exempted.

Dr. Gopi Chand Bhargava : If the Parliamentary Secretary will please look at the list he will find that none of those who have been exempted is a poor man. Their financial condition is quite good, fairly good.

Parliamentary Secretary : In this case the reason was that they remained aloof.

Dr. Gopi Chand Bhargava : May I know whether all of those who have not been exempted took part in the communal disputes ?

Parliamentary Secretary : At any rate, in the opinion of the District Magistrate, excepting these people, all others were considered to have taken part in the disputes in some form or another.

Dr. Gopi Chand Bhargava : What about those who are absent but own property there? Those who live there may have taken part in these things.

Parliamentary Secretary : A further list of exemptions will be submitted by the District Magistrate and very probably he will take into consideration those persons also but under the rules non-residents are not necessarily exempted.

Dr. Gopi Chand Bhargava : May I know why, when they did not take part in the communal disputes, they should not be exempted?

Parliamentary Secretary : I have stated that the Deputy Commissioner is submitting a further list and he will certainly take that matter into consideration but, as I have stated, according to rules, those persons who are non-residents are liable to be assessed but it is in the discretion of the Deputy Commissioner to take all those factors into consideration while making recommendations for exemption.

Dr. Gopi Chand Bhargava : What is the basis on which people are assessed? You have told the basis on which people are exempted and I want to know the basis on which they are assessed.

Parliamentary Secretary : I would like the honourable member to give me notice for that and I will supply the information.

Sardar Rur Singh : Is it a fact that only those people are exempted from the payment of these taxes who are the 'yes men' of the Government?

Mr. Speaker : Disallowed.

Copy of a letter No. 1053-B, dated the 20th February, 1939, from the Inspector-General of Police, Punjab, and Joint Secretary to Government, Punjab, Home (Police) Department, to the Commissioner, Lahore Division.

Subject :—EXEMPTION FROM LIABILITY TO BEAR ANY SHARE OF THE COST OF ADDITIONAL POLICE LOCATED AT RAJA JANG VILLAGE IN THE LAHORE DISTRICT.

In continuation of my endorsement No. 1003-B, dated the 18th February, 1939, regarding the location of an additional police post at Raja Jang village, Police Station Lulliani in the Lahore district, under section 15 of the Police Act, V, of 1961, I am directed to inform you that although the post has been located for a period of two years in the first instance yet the Government is prepared to consider its withdrawal if the Sikhs and Muslims can compose their differences at the end of one year or whenever there is a reasonable prospect of communal peace in the village, and this fact may be given publicity.

2. I am also directed to inform you that the Governor of the Punjab is pleased to exempt the persons mentioned in the list forwarded with your endorsement No. 204/14/266, dated the 6th February 1939, from liability to bear any share of the cost of the Additional Police Post located at Raja Jang, by Punjab Government Gazette Notification No. 1002-B, dated the 18th February, 1939.

List of Exemptees.

Serial No.	Name.	Profession.	Financial position.
1	Sardar Sahib Sardar Bahal Singh, Zaildar, and the other Pattidars of Patti Rupa, with the exception of Mahal Singh and his relations.	..	The financial position of the Zaildar himself is very good. Particulars have not been obtained regarding the other persons.
2	Mst. Ishar Kaur	Land-owner (widow) ..	Very good.
3	Jagat Singh	Lambardar, ..	Good.
4	Indar Singh	Cultivation ..	Quite good.
5	Mehr Singh	Do.	Do.
6	Natha Singh	Do.	Fairly good.
7	Bagga Singh	Do.	Do.
8	Gurdip Singh	Do.	Good.
9	Shingara Singh	Do.	Weak.
10	Mst. Ishar Kaur	(Widow)	Do.
11	Mst. Bishen Kaur	Do.	Do.
12	Chanan Singh	Cultivation ..	Good.
13	Jagir Singh	Do.	Do.
14	Ajaib Singh	Do.	Do.
15	Dhara Singh	Do.	Do.
16	Thakar Singh	Do.	Do.

ROADS IN BEIT ILAQA IN LUDHIANA DISTRICT.

***5736. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of roads (metalled) in the Beit Ilaga, Ludhiana district ;
- (b) whether Government have done anything for the improvement of means of communication during the last two and a half years in the said Ilaga ;
- (c) whether the road programme undertaken by the Government in this area has been abandoned for want of funds ;
- (d) how many miles of metalled roads have been provincialised in the Ludhiana district ;

(e) whether the Punjab Government received a substantial sum in the shape of grant this year from the Central Government for the improvement of roads in this province ;

(f) if reply to (e) above be in the affirmative, the share of each district in the Punjab out of the said grant as well as the total amount of the grant ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) There are two metalled roads in the Beit Ilaga (Ludhiana district), viz., the Grand Trunk Road and the Jagraon-Sidhwan road, and a third, viz. Khanna-Samrala-Machiwara ends just near it.

(b) Government has made 50 per cent grant on the works of improvement done by the District Board.

(c) No.

(d) 50 miles.

(e) Yes.

(f) The total amount of the grant is Rs. 14 lakhs. As the road programme is spread over several years and includes almost all districts, each year's grant is not and cannot be distributed proportionately among all the districts of the province.

Chaudhri Muhammad Hasan : When was the metalling of these two roads, which you say are in existence in Beit ilaga, started ?

Parliamentary Secretary : If my honourable friend will give notice I will collect the information as regards the date on which metalling on these roads was undertaken. It is not possible without notice to give him the necessary information.

Chaudhri Muhammad Hasan : What is the proportion of the grant to the Muzaffargarh and Shahpur districts ?

Parliamentary Secretary : There are 29 districts in the Punjab and it is not possible for me to give that information off hand.

Chaudhri Muhammad Hasan : I am not asking about all the districts.

May I draw the attention of the Parliamentary Secretary to part (f) of my question ? It refers to "the share of each district in the Punjab out of the said grant as well as the total amount of the grant". The notice is there.

Parliamentary Secretary : I have replied that question in the following words :—

(f) The total amount of the grant is Rs. 14 lakhs. As the road programme is spread over several years and includes almost all districts, each year's grant is not and cannot be distributed proportionately among all the districts of the province.

Lala Bhim Sen Sachar : Do I understand that the Government have absolutely no programme of their work ?

Minister for Finance : There is the programme.

Lala Bhim Sen Sachar : Was it not possible for the Parliamentary Secretary to have this information from the office as to what would be spent in a particular district ? Where was the difficulty if he were inclined to supply the information ?

Lala Duni Chand : Is the Government aware of the fact that by constructing a road between Samrala—a place in Ludhiana district—and Morinda—a place in Ambala district—which is at a distance of 12 miles, a direct road connection can be established between Ludhiana and Kalka? Is the Government aware of that fact or not?

Mr. Speaker : This very information is given.

Lala Duni Chand : This place Samrala is situated in the district to which the question refers. Therefore, I want to know whether it is a fact or not that by constructing a small road—

Mr. Speaker : The honourable member is giving information and is also making a request for action.

Lala Duni Chand : Unless I give some sort of information, I cannot of course get the answer.

Mr. Speaker : Order please. No more discussion.

Chaudhri Muhammad Hasan : Has the Government ever considered the desirability of metalling the Ludhiana-Mattewara road which connects Ludhiana with Rahon in Jullundur district?

Parliamentary Secretary : I have not followed the question.

Chaudhri Muhammad Hasan : Has the Government ever considered the desirability of metalling the kacha road between Rahon and Ludhiana?

Parliamentary Secretary : So far as the question of desirability of metalling of roads is concerned, I may assure the honourable member that the Government is anxious to metal as many roads as possible but the question is that of funds and as soon as funds are available, all these roads will be metalled.

Pandit Muni Lal Kalia : With reference to the answer to part (a) of the question may I know whether the Grand Trunk Road passes through Bet ilaqa?

Parliamentary Secretary : So far as I know, that road passes near the Bet ilaqa. Whether it passes through the ilaqa or not is a question which I cannot answer offhand.

Pandit Muni Lal Kalia : Is the Parliamentary Secretary aware that that road passes at a distance of about 10 or 12 miles from Bet ilaqa?

Parliamentary Secretary : I require notice.

Lala Duni Chand : Has this Government, since its coming into power, taken steps to connect Ludhiana district with Ambala district? Is he not in a position to give this information?

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary please state whether Government take into consideration the number of metalled roads in a district while making grants to district boards for the purpose of building metalled roads, so that the districts with less mileage of metalled roads may get more funds?

Parliamentary Secretary : I assure the honourable member that Government do take these facts into consideration at the time of making grants. The districts with less mileage of metalled roads get more money.

Mian Sultan Mahmud Hotiana : Is the Parliamentary Secretary aware that the districts where the number of metalled roads is already large, are given more funds for this purpose?

Parliamentary Secretary : I require notice for that.

REPORTS OF THEFTS AND DACOITIES REGISTERED AT VARIOUS
POLICE STATIONS IN THE KANGRA DISTRICT.

***5741. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state the total number of reports of thefts and dacoities registered at various police stations in the Kangra district (i) from 1st April, 1987, to 31st March, 1988, and (ii) from 1st April, 1988, to 1st November, 1989, the number of such complaints in which the culprits were traced and convicted as well as the number of those which remained untraced?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : A statement is laid on the table.

Pandit Bhagat Ram Sharma : May I know whether the Government has gone into the causes why there is a substantial increase in the crime of thefts and dacoities in the district of Kangra?

Parliamentary Secretary : My honourable friend is referred to the report of the police administration for the causes and the steps that the Government is taking in this matter.

Pandit Bhagat Ram Sharma : My question is whether the Government has cared to know the reasons why there is a substantial increase in the crime as far as thefts and dacoities are concerned.

Parliamentary Secretary : I have said that the reasons for increase in certain crimes are dealt with in the administration report of the police and my honourable friend is referred to it.

Munshi Hari Lal : May I know if during the period which is given in the question any burglary or theft was committed in the house of Pandit Bhagat Ram Sharma?

Parliamentary Secretary : I am not aware of it.

Pandit Bhagat Ram Sharma : May I know whether it is a fact that certain people, who have given information to the police with respect to burglaries and thefts, have been challaned? Is it not one of the reasons why the crime is increasing in that district?

Parliamentary Secretary : I am not aware of it and I cannot accept my honourable friend's statement. If he brings to the notice of Government any particular complaint of that kind, the Government will make enquiries.

Pandit Bhagat Ram Sharma : May I know whether these figures are not astounding? Are not these figures sufficient enough to move the present Government to take very serious steps in the matter?

Parliamentary Secretary : The Government is trying its best and whatever is possible is being done. If any particular complaint is brought to the notice of the Government, the Government will look into it.

Pandit Bhagat Ram Sharma : Is it not due to the fact that the present police in that district is corrupt and inefficient?

Parliamentary Secretary : The honourable member should not make such a sweeping statement simply because the number of thefts has gone up in the district.

Statement.

Name of Police Station.			Reported from 1st April, 1937, to 31st March, 1938.	Admitted.	Sent for trial.	Resulting in the conviction of one or more of the accused.	Untraced.
Dharamsala	A	..	14	13	8	8	5
	B	..	..	..	..	..	..
Shahpur	A	..	8	7	5	5	3
	B	..	..	..	..	..	..
Nurpur	A	..	8	6	3	3	3
	B	..	..	..	..	..	..
Indaura	A	..	5	4	4	4	..
	B	..	..	..	..	..	..
Kangra	A	..	6	6	2	2	4
	B	..	..	..	..	..	..
Haripur	A	..	4	3	1	1	2
	B	..	..	..	..	..	..
Jawalambukhi	A	..	9	9	9	9	..
	B	..	..	..	..	..	..
Sujanpur	A	..	1	1	..	..	1
	B	..	2	1	..	..	1
Hamirpur	A	..	5	5	3	3	2
	B	..	..	..	..	..	..
Barsar	A	..	2	1	..	..	1
	B	..	..	..	..	..	..
Palampur	A	..	10	8	7	7	1
	B	..	..	..	..	..	..
Kulu ..	A	..	12	9	5	5	4
	B	..	..	..	..	..	..
Saraj ..	A	..	3	1	..	..	1
	B	..	..	..	..	..	..
Railway Police, Gurdaspur.	A	..	2	2	2	2	..
	B	..	..	..	..	..	..
Total			90	75	49	48	26
	A	..	..	..	..	..	..
	B	..	1	1	..	..	1

A=Figures of thefts.

B=Figures of dacoities.

Statement.

Name of Police Station.			Reported from 1st April 1938 to 1st November, 1939.	Admitted.	Sent for trial.	Ending in the conviction of one or more of the accused.	Untraced.
Dharamsala	A	..	20	11	7	7	4
	B	..	..	..	..	..	..
Shahpur	A	..	9	9	8	8	1
	B	..	..	..	..	..	..
Nurpur	A	..	10	8	6	5	1
	B	..	..	..	..	..	..
Indaura	A	..	1	..	..	..	..
	B	..	..	..	..	..	..
Kangra	A	..	6	4	4	4	..
	B	..	..	..	..	..	..
Haripur	A	..	9	7	7	5	..
	B	..	..	..	..	..	..
Jawalamukhi	A	..	19	13	8	8	5
	B	..	..	..	..	..	..
Sujanpur	A	..	2	1	..	..	..
	B	..	..	..	..	..	..
Hamirpur	A	..	9	2	1	1	1
	B	..	..	..	..	..	..
Barsar	A	..	4	4	3	2	1
	B	..	..	..	..	..	..
Palampur	A	..	20	13	12	12	1
	B	..	..	..	..	..	..
Kulu ..	A	..	11	7	6	6	1
	B	..	..	..	..	..	..
Sarsaj ..	A	..	8	4	3	3	1
	B	..	..	..	..	..	..
Railway Police, Gurdaspur.	A	..	3	3	2	2	1
	B	..	..	..	..	..	..
Total			131	84	66	63	18
	A	..	..	..	..	..	..
	B	..	..	..	..	..	..

A—Figures of thefts.

B—Figures of dacoities.

BAND BALLYAHU DAM SURVEY.

***5743. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state :—

- (a) whether it is a fact that surveying operations are going on in Hamirpur and Palampur tahsils of the Kangra district in connexion with a Dam known as Band Balyahu ;
- (b) if so, what is the total expenditure incurred thereon up to 1st November, 1939 ;
- (c) what is the date of the notification, if any, issued under section 4 of the Land Acquisition Act ; and
- (d) how much area approximately is going to be affected by the said scheme ?

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

(b) Rs. 25,000.

(c) The area is not notified.

(d) 2,400 acres.

Pandit Bhagat Ram Sharma : May I know the mode by which it was notified ?

Minister : It was notified in the gazette.

Pandit Bhagat Ram Sharma : May I know whether the Government feel the necessity of publishing it by means of posters in the locality in which this survey work is carried on ?

Pandit Bhagat Ram Sharma : Did the Government take any precautions to pacify the public who were feeling anxious with respect to the causes of this survey ?

Minister : I have already said that there was no necessity, and there is no cause for anxiety.

Pandit Bhagat Ram Sharma : Did the Government take any precautions to safeguard the property of the people and to compensate the damage done to the crops of the people by the survey party when they trespassed on the lands of those people ?

Minister : These are all assumptions. There is nothing real in the matter.

Pandit Bhagat Ram Sharma : Did the Government give any due notice required by law to the people when that survey party entered the houses of people and committed trespass on them ?

Minister : It is not necessary.

Pandit Bhagat Ram Sharma : Was any due notice given to the ladies to withdraw themselves when the survey party entered the houses of people ?

Lala Deshbandhu Gupta : The Unionist Government do not believe in *parda*.

Minister : We do not believe in the *parda* which my friend hints at.

NAKEHAR DAM SCHEME, KANGRA DISTRICT.

***5744. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state whether the Nakehar Dam Scheme in Kangra district has matured ; if so, the total area going to be affected by the said scheme and the detailed estimates of the prices of the private property in the form of houses, persian wheels, grinding mills, trees, etc., in the area going to be occupied by the Government in consequence of the scheme ?

The Honourable Dr. Sir Sundar Singh Majithia : The Nakehar Dam Scheme is still under investigation, the area to be submerged will be about 3,000 acres. The amount of compensation can only be worked out by a long and expensive inquiry which it is not proposed to make at the present juncture.

Pandit Bhagat Ram Sharma : The Honourable Minister has not cared to give the information with respect to property which is going to be affected by this scheme ?

Minister : I am afraid I cannot satisfy the curiosity of my honourable friend. As I have said before, the whole question is a very delicate question.

Pandit Bhagat Ram Sharma : I want to know the total property which is going to be affected by this scheme.

Minister : I am afraid I cannot go into any further details of the matter.

Pandit Bhagat Ram Sharma : May I know what are the difficulties in the way of the Honourable Minister in collecting these figures ? Is it due to old age ?

Minister : Not young age like my honourable friend.

MISMANAGEMENT OF LUDEHIANA DISTRICT BOARD FUNDS.

***5755. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that a sub-committee of the Ludhiana District Board was formed to inquire into the serious allegations of mismanagement and lack of proper supervision over the District Board funds and works by the District Engineer ;

(b) if the reply to (a) above be in the affirmative, the date of the formation of the above-mentioned sub-committee ;

(c) whether the said sub-committee has concluded its deliberations ;

(d) the date on which the sub-committee began to inquire into the allegations mentioned above ;

(e) whether evidence of members, employees or contractors has been recorded ;

(f) if the reply to (e) above be in the negative, the reasons therefor ?

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

(b) 2nd August, 1939.

(c) No.

(d) 21st August, 1939.

[Sh. Faiz Muhammad]

(e) and (f) All members of the District Board were requested in writing to submit their complaints, if any, to the Chairman of the sub-committee. Written reports were also taken by the sub-committee from some of the employees on matters relevant to the inquiry. There was no complaint from the contractors, nor was any reference made to them in the allegations which gave rise to the formation of the sub-committee.

Chaudhri Muhammad Hasan : Has the Government cared to ascertain the causes of delay in the completion of this enquiry ?

Parliamentary Secretary : The Government has made enquiries, but in some cases delay does occur.

Chaudhri Muhammad Hasan : How is it that the contractor was not consulted although there were allegations against the district engineer about the district public works ?

Parliamentary Secretary : I refer my honourable friend to part (e) of the answer. I have said that no contractor came forward and in the original report there were no allegations on behalf of the contractor.

Chaudhri Muhammad Hasan : Is it a fact that several members of the district board wanted to give evidence before all the members of the sub-committee and not only before the chairman ?

Parliamentary Secretary : I would like to have notice.

PERSONS RECOMMENDED BY DEPUTY COMMISSIONER HOSHIARPUR FOR
NOMINATIONS TO HOSHIARPUR DISTRICT BOARD.

*5758. **Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state the names of the persons recommended by the Deputy Commissioner, Hoshiarpur, for the nomination to the Hoshiarpur District Board giving separately the number and names of those among them who have been nominated and those who have been rejected with the reasons for rejecting their names ?

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

Chaudhri Muhammad Hasan : Is it a fact that some of the members, who were recommended by the Deputy Commissioner, have not been nominated by the Honourable Minister on the ground that they were against the Deputy Commissioner ?

Parliamentary Secretary : As I have mentioned just now, I would be violating the rules if I disclose the recommendations.

Chaudhri Muhammad Hasan : I do not ask about the contents of the recommendation of the Deputy Commissioner. I simply ask for what reason those members, who were recommended, were passed over and ignored by the Honourable Minister ?

Parliamentary Secretary : I am not prepared to disclose anything in this connection.

Chaudhri Muhammad Hasan : Will the Parliamentary Secretary give the names of those persons who were recommended by the Deputy Commissioner ? I do not want the contents of the recommendation.

Parliamentary Secretary : I am not prepared to do anything of the sort.

Lala Duni Chand : Is it not true that what is regarded as a disqualification by the public for nomination is regarded as a qualification by the Government?

Parliamentary Secretary : No, it is not true.

Chaudhri Muhammad Hasan : Is it not a fact that those members were nominated by the Honourable Minister on the recommendation of two honourable members of this House belonging to the Unionist Party from the Hoshiarpur district?

Parliamentary Secretary : I am afraid my reply is the same.

Lala Duni Chand : Is the Parliamentary Secretary aware of the fact that the public is entirely dissatisfied with the manner of making nominations?

Parliamentary Secretary : Will the honourable member kindly define, 'public'?

Chaudhri Muhammad Hasan : Is it a fact that the persons, who have been rejected, possess more landed property and are in the high esteem in the neighbourhood?

Mr. Speaker : Disallowed.

STAGNANT WATER IN CHHOTA RAVI, LAHORE.

***5783. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether his attention has been invited to the fact that sullage water stagnates in Ohhota Ravi as well as at other places specially on eastern side of the Grand Trunk Road, near Gowshala Lahore;

(b) whether any representations were recently made to the Administrator, Lahore Municipality, for the removal of this nuisance from the locality, and if so, the action that he proposes to take in this matter?

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

(b) Yes. A beginning has been made with a sewerage scheme for Lahore. For financial and other reasons, e.g., the difficulty in obtaining machinery owing to the outbreak of war in Europe, the execution of the entire scheme must take time.

Dr. Gopi Chand Bhargava : May I know if a recommendation for the removal of this nuisance was made by the Medical Officer of Health in January, 1938?

Parliamentary Secretary : I should like to have notice.

Dr. Gopi Chand Bhargava : Can the municipality do anything by way of removing this inconvenience even temporarily?

Parliamentary Secretary : That is more or less a request for action.

Dr. Gopi Chand Bhargava : It is not a request for action. Is the municipality prepared to take any action to remove this inconvenience temporarily ?

Parliamentary Secretary : I want notice for that because I would like to find out from the municipality whether they have any such thing under contemplation.

Pir Akbar Ali : Is any such work also being carried out within the city ?

Parliamentary Secretary : This question does not arise out of the original question.

Lala Bhim Sen Sachar : Did I understand my honourable friend aright when he said that the removal of the nuisance also formed a part of the Lahore sewerage scheme ?

Parliamentary Secretary : Yes.

LALA BHAGAT RAM CHANANA OF LYALLPUR.

***5788. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Lala Bhagat Ram Chanana of Lyallpur has been disqualified from seeking election to local bodies ; if so, for how long and since when ;
- (b) whether any enquiry was made by the Government before disqualifying him ; if so, what were the charges proved against him ;
- (c) whether Mr. Budhwar, Officer-in-charge, local bodies, was also deputed to make enquiries in this case ;
- (d) how many reports did Mr. Budhwar make and what was his last report about the case ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) He has been disqualified from standing for election as a member of a municipal committee for a period of five years with effect from the 25th July 1939.

(b) The reasons for his proposed removal were communicated to him and he was given an opportunity of tendering his explanation in writing. His explanation was considered by Government and they were satisfied that he had flagrantly abused his position as a member of the municipal committee.

(c) Mr. R. D. Budhwar in his capacity as officer-in-charge, local bodies, submitted a report on the case to the Deputy Commissioner.

(d) Government have received only one report by Mr. Budhwar. It is not the practice of Government to disclose the recommendations of its subordinate officers.

Lala Deshbandhu Gupta : Is it a fact that the recommendations made by the enquiring officer were disregarded by the Government when coming to a decision ?

Parliamentary Secretary : Government does not disclose the recommendations of its officers.

Lala Deshbandhu Gupta : May I know whether the decision of the Government was based on the report of the enquiring officer?

Parliamentary Secretary : The recommendations cannot be disclosed even indirectly.

Lala Deshbandhu Gupta : I want to know whether the decision of the Government was made irrespective of the recommendations or the findings of this gentleman or not.

Parliamentary Secretary : My reply is the same.

Lala Duni Chand : Is it not true that he has been disqualified because he is a prominent Congressman of the district?

Mr. Speaker : Disallowed.

Lala Duni Chand : I shall be obliged to know on what grounds you have ruled it out.

Mr. Speaker : The next question.

Mr. Dev Raj Sethi : What were the charges against him? (Voices : next question has been called).

Parliamentary Secretary : May I reply to the next question or not?

Mr. Speaker : The Parliamentary Secretary may reply to the supplementary question.

Mr. Dev Raj Sethi : What were the charges actually proved against him?

Parliamentary Secretary : He had flagrantly abused his position as a member of the municipal committee.

Lala Bhim Sen Sachar : In what manner did he abuse his position flagrantly?

Parliamentary Secretary : I cannot give details off-hand. If the honourable member wants details he should give notice.

Lala Bhim Sen Sachar : I do not want to put the Parliamentary Secretary to the trouble of giving details: I want to know whether he embezzled the municipal money, made false report, whether he was a party to a contract or he appointed persons who should not have been appointed.

Parliamentary Secretary : That is what I consider details.

Diwan Chaman Lal : May I ask whether the Parliamentary Secretary is prepared to reply to part (b) of the question namely whether any enquiry was made by Government before disqualifying him, if so, what were the charges proved against him? This House is entitled to a reply in regard to part (b).

Parliamentary Secretary : I have already replied that the reasons for his proposed removal were communicated to him and he was given an opportunity of tendering his explanation in writing. His explanation was considered by Government and they were satisfied that he had flagrantly abused his position as a member of the municipal committee.

Diwan Chaman Lall : May I ask him to be kind enough to look up this question and answer part (b) ? What were the charges ?

Parliamentary Secretary : The answer is given in part (b) of the reply.

Diwan Chaman Lall : Do I take it that the Government deliberately refuse to disclose the charges in view of the prominent position held by the gentleman as a Congress leader of the city ?

Parliamentary Secretary : So far as that aspect of the question is concerned Government does not know that this gentleman is a prominent Congress leader.

Diwan Chaman Lall : May I ask whether the Government is more ignorant than the average public man and does not know that Lala Bhagat Ram Chanana is a very important public man of the city ?

May I ask my honourable friend whether it is in pursuance of party vendetta against this gentleman that he has been treated in this manner ?

Parliamentary Secretary : It is a mere assumption.

Diwan Chaman Lall : Will the Parliamentary Secretary lay on the table of the House the report of the enquiry conducted by the Government into the charges against him ?

Mir Maqbool Mahmood : On a point of order. The Parliamentary Secretary has replied as to the charges against this man. I submit it is open to the Government in answer to a question to give a reply or not to reply or to give a reply which they deem proper.

Mr. Speaker : What is the point of order ?

Mir Maqbool Mahmood : The point of order is that it is open to the Government to give a reply or not and honourable members cannot force the Government to give a reply which they do not think desirable.

Dr. Gopi Chand Bhargava : The Government has given a reply which they think to be desirable but which we do not think to be desirable.

Diwan Chaman Lall : May I ask whether it is in pursuance of party vendetta of the Unionist party against the Congress that he was treated in this manner ?

Parliamentary Secretary : No.

Diwan Chaman Lall : If it is not so, will the Parliamentary Secretary be pleased to lay on the table of the House the result of the enquiry ?

Parliamentary Secretary : I have already stated that Government does not think it proper to make public the recommendations of its subordinate officers.

3 p.m.

Diwan Chaman Lall : May I ask whether it is the policy of the Government to prevaricate in regard to such matters ?

Parliamentary Secretary : No.

Diwan Chaman Lall : Is Government prevaricating in this matter ?

Parliamentary Secretary : No.

Dr. Gopi Chand Bhargava : May I enquire whether any head constable made enquiries into this matter ?

Parliamentary Secretary : I am not aware of any enquiry having been made by a head constable. If my honourable friend has some information to that effect, he can give me notice.

Dr. Gopi Chand Bhargava : Did Mr. Budhwar make any enquiries ?

Parliamentary Secretary : No. He is the officer incharge of municipalities in the district and in that capacity the papers passed through him.

Dr. Gopi Chand Bhargava : What were his findings ?

Parliamentary Secretary : That is a question which I cannot answer.

Diwan Chaman Lal : Is it that he cannot answer it or that he does not want to answer it ?

Parliamentary Secretary : I have answered it by saying that Government did receive his report, but it is not the practice of Government to disclose the recommendations of its subordinate officers.

Diwan Chaman Lal : Is it now the considered practice of this Government to treat its political opponents in this manner ?

Parliamentary Secretary : No.

Dr. Gopi Chand Bhargava : May I know whether the Government sent for all the papers from the Deputy Commissioner or not ?

Parliamentary Secretary : Ordinarily all the papers come to Government. If honourable member has any doubt, he can give notice.

Munshi Hari Lal : May I know if any officer other than Mr. Budhwar made any inquiry in this case ?

Parliamentary Secretary : Not to my knowledge.

Lala Bhim Sen Sachar : May I know whether it is a fact that the charges communicated to the member, Lala Bhagat Ram Chanana, merely contained the words "whereas you have flagrantly abused your position as a member" and nothing more ?

Parliamentary Secretary : I cannot say.

Lala Bhim Sen Sachar : Then we take it that the Parliamentary Secretary does not know what the charge against the member was or that no charge was drawn up against that man.

Parliamentary Secretary : If my honourable friend wants the details of the charge, I am unable to give them just now.

Lala Deshbandhu Gupta : Are you prepared to hold a judicial enquiry into the matter ?

Parliamentary Secretary : No.

Lala Duni Chand : Has the Government acted in this case upon the adage : Give a man bad name and hang him ? *(Laughter.)*

Mr. Speaker : Order, order.

Munshi Hari Lal : May I know with reference to part (b) of the question, as to how many charges were levelled against Lala Bhagat Ram Chanana, and how many were proved against him ?

Diwan Chaman Lal : May I ask whether it is a fact that Mr. Budhwar, 1st class magistrate, actually made an enquiry into this matter and reported to the Government that Mr. Chanana was not guilty and is it a fact that thereafter a head constable was deputed by Government and he declared Mr. Chanana guilty ? Is that true ?

Parliamentary Secretary : As to the first part of the question I cannot reply. As regards the second part I have no knowledge.

Diwan Chaman Lal : May I ask whether my honourable friend is deliberately not wanting to reply to the first question ?

Parliamentary Secretary : Yes I am deliberately not answering it. As I have already said, it is not the practice of Government to disclose the recommendations of its subordinate officers.

Diwan Chaman Lal : Is it in accordance with the policy of Government to disclose the results of an enquiry held by a head constable, but not of the one held by a first class magistrate ?

Lala Deshbandhu Gupta : May I know what was the purpose in appointing Mr. Budhwar to enquire into the matter, if Government are not prepared to disclose whether its action is based on his recommendations or not ?

Parliamentary Secretary : The honourable member is again assuming something.

Dr. Gopi Chand Bhargava : May I know whether any explanation was given by Mr. Chanana or not ?

Parliamentary Secretary : Yes.

Dr. Gopi Chand Bhargava : Is Government prepared to lay it on the table ?

Parliamentary Secretary : It is not with me, but I would not lay it on the table as that would make that gentleman's position rather awkward.

Diwan Chaman Lal : May I repudiate that insinuation ? It is most ungentlemanly to say that that would make that gentleman's position awkward. I strongly protest against that insinuation.

Mr. Speaker : He did not make any unparliamentary or objectionable remark. He merely said that that might make his position awkward. That is not an insinuation.

Diwan Chaman Lal : My honourable friend is hiding the truth from the House deliberately.

Mr. Speaker : The Parliamentary Secretary has been saying that it is not the policy of Government to disclose certain facts.

Dr. Sir Gokul Chand Narang : Since when has this Government adopted the policy that the explanation of the person concerned should not be disclosed ?

Diwan Chaman Lal : Does this policy relate only to awkward questions which Government does not want to answer ?

Dr. Gopi Chand Bhargava : May I know whether the Parliamentary Secretary thinks that the explanation given by Lala Bhagat Ram Chanana really amounted to an admission of his guilt?

Mr. Speaker : The honourable member is asking for an expression of opinion.

Dr. Gopi Chand Bhargava : I want to know how it makes his position awkward. Will the defence put up by Lala Bhagat Ram Chanana make his position awkward or will it make the position of Government awkward?

Lala Duni Chand : Is it not unfair or unjust that in spite of so much insistence, Government refuses to disclose what the charge was?

Mr. Speaker : Disallowed.

Munshi Hari Lal : May I know how much time this enquiry took?

Parliamentary Secretary : I cannot say.

Munshi Hari Lal : May I know if the Parliamentary Secretary is not in possession of the whole file relating to this case?

Sardar Sahib Sardar Santokh Singh : May I know from the Parliamentary Secretary whether in arriving at the decision which Government did, it had only the report of Mr. Budhwar before it or whether it had any other material also?

Parliamentary Secretary : Government had so much material before it. It had that report and other material also.

Sardar Sahib Sardar Santokh Singh : May I know what was the other material?

Parliamentary Secretary : I would like to have notice of that question.

REMARKS AGAINST ABDUL HAQ SHAH, HEAD CONSTABLE, POLICE.

***5791. Mr. Dev Raj Sethi :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that in a case under Section 411, Indian Penal Code, Crown *versus* Mathra Das, etc., the 1st Class Magistrate, Jhang, acquitted the accused and made some remarks against the head constable, Abdul Haq Shah who had investigated the case; if so, the action taken or intended to be taken against the said head constable; if no action is contemplated, reasons therefor?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Government have seen this judgment. It quotes, without any finding regarding their truth or falsity, some allegations made by certain prosecution witnesses against a head constable. One of these witnesses has since filed a complaint against the head constable which is being heard in the court of the District Magistrate.

STRICTURES BY HIGH COURT AGAINST THE POLICE AT GUJRAT.

***5793. Munshi Hari Lal :** Will the Honourable Minister of Public Works be pleased to state whether or not his attention has been drawn to the strictures passed recently by a Division Bench of the High Court of Judicature at Lahore against the Gujrat police in the Gujrat College murder case; if so, does the Government intend to take any action in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Government have seen the judgment, and are having inquiries made regarding the delay which occurred before the police reached the spot and the subsequent conduct of the investigation.

ROADS IN RURAL AREAS IN AMRITSAR DISTRICT.

***5810. Khan Sahib Chaudhri Fazal Din:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the amount of money granted during the current year to the District Board, Amritsar, from the Road Construction Fund for the construction and maintenance of roads in the rural areas of the Amritsar district;
- (b) the manner in which the money referred to in (a) has been spent, tahsil-wise, in the said district;
- (c) the details, village-wise and tahsil-wise, of the roads constructed in the rural areas out of the amount mentioned in (b);
- (d) the amount, if any, that will further be granted to the Amritsar District Board for this purpose from the same fund;
- (e) whether any trees have been planted on the roads referred to in (c) out of these funds; if so, the arrangements made for the protection and up-keep?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) If by Road Construction Fund the honourable member means the yearly allotment placed at the disposal of the Communications Board for distribution to the District Boards, the amount granted during 1939-40 to the District Board, Amritsar, for maintenance of its class II roads was Rs. 3,325. No development works were carried out by the District Board and hence no grant was given under this head.

- (b) and (c) This information is not kept tahsil or village-wise.
- (d) No further grant is expected to be made this year.
- (e) No grants are made towards roadside plantations by the Communications Board.

DACOITIES ON THE ROAD TO VILLAGE DALA IN DISTRICT FEROZEPORE.

***5811. Khan Sahib Chaudhri Fazal Din:** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he is aware of the fact that a large number of dacoities take place on the road which branches off from the Ferozepore-Moga road to Dala, a village in the Ferozepore district;
- (b) the number of such reports of dacoities as were registered at the various police stations and the number of cases instituted by the police which resulted in convictions;
- (c) whether any police constables are posted during the day time as well as at night for the purpose of patrol on the above-named road; if not, the reasons therefor and the action Government propose to take in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) and (b) No dacoity is known to have been committed on this road from the beginning of 1937 to date when the answer was prepared.

(c) The road is patrolled during the day time and at night, whenever considered necessary.

LANDED PROPERTY ACQUIRED BY SADHU SINGH, SUB-INSPECTOR
OF POLICE.

***5812. Sardar Rur Singh:** Will the Honourable Minister for Public Works be pleased to state—

(a) the number of years of service both as head constable and sub-inspector at the credit of Sardar Sadhu Singh, Sub-Inspector, Sur Singh, Jhubal;

(b) the pay that Sadhu Singh is drawing at present;

(c) the landed property Sardar Sadhu Singh has acquired through mortgage or otherwise since he entered service of the Police Department;

(d) the estimated value of the buildings constructed by him at his native village, Viram Dattan, since he entered Government service?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): The amount of land which has come into this official's ownership since he joined the service some twenty-one years ago is by no means large and the buildings constructed by him in his home village are not out of the ordinary. I do not think the House will wish me to give a more detailed reply to a question which is a scarcely veiled insinuation against an official's personal integrity.

Lala Duni Chand: What is the approximate value of the property held by this gentleman? Has Government taken the trouble of finding out the approximate value of the property held by him?

Parliamentary Secretary: It is very difficult to give the exact value, but the value of building owned by him may be near about seven or eight thousand rupees.

Lala Duni Chand: Has the Parliamentary Secretary given that figure on the basis of any data in his possession?

Parliamentary Secretary: Yes. The information that I have given is based on the information received from the local officers.

Pandit Muni Lal Kalia: May I know the area of land possessed by this gentleman?

Parliamentary Secretary: He inherited some land which was near about 80 kanals and he acquired through mortgage some other area near about 50 kanals.

Lala Bhim Sen Sachar: May I take it that the answer to parts (a) and (b) has not been given because it is not in the public interest? Will he please tell us the number of years of service that he has put in, and the pay that he is drawing at present?

Parliamentary Secretary : If that is very important for my honourable friend, I might inform him that he has served for 21 years and his salary is Rs. 180.

Lala Bhim Sen Sachar : Is Government satisfied that his property is not out of proportion to his pay ?

Parliamentary Secretary : Yes, that is so.

An honourable member : The property of any policeman is not out of proportion.

Pandit Muni Lal Kalia : Does he belong to Viram Dattan ?

Parliamentary Secretary : Yes.

Pandit Muni Lal Kalia : Is it a fact that Viram Dattan is a village in the district of Gurdaspur ?

Parliamentary Secretary : Yes.

Pandit Muni Lal Kalia : Has he been posted all along near his home village ?

Parliamentary Secretary : I am not aware of it. The honourable member may give notice if he is very particular about that information.

Sardar Sohan Singh Josh : Which officer held the enquiry ?

Parliamentary Secretary : Enquiry into what ? We had only to ask the local officers to supply the required information and they supplied it.

Sardar Sohan Singh Josh : Then, should I understand that no enquiry was held into the matter ?

Parliamentary Secretary : There was no complaint against the officer to be enquired into. We asked for information from local officers and they supplied it.

Sardar Rur Singh : May I enquire the places where this gentleman was appointed from time to time as sub-inspector ?

Parliamentary Secretary : I must ask for notice of that question.

Sardar Rur Singh : Notice has already been given.

Parliamentary Secretary : No, not of this particular question.

STRICTURES AGAINST THE GUJRAT COLLEGE MURDER CASE.

***5813. Sardar Lal Singh :** Will the Honourable Minister for Public Works be pleased to state whether the attention of the Government has been invited to the remarks of the Honourable Judges of the High Court in a judgment recently delivered in the Gujrat College murder case about the investigating police officer who did not appear to their Lordships to have been very active in collecting evidence and did not examine three of the prosecution witnesses, and further that the police were extremely slow in taking action ; and if so, what action do the Government propose to take to bring the police officers concerned to book ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): The attention of the honourable member is invited to the reply given to Question *5798¹ put by the honourable member for the South-Western Towns (General) Urban constituency.

OCCUPATION OF REST-HOUSES BY MEMBERS OF DEBT CONCILIATION BOARD.

***5822. Raja Muhammad Sarfraz Khan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) reasons why the members of the debt conciliation boards are not allowed to use the rest-houses in the province;
- (b) whether there is any other class of gazetted officers who are debarred from using rest-houses?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Debt Conciliation Boards are constituted for the benefit of villagers, with whom close touch by members of the Boards is essential. A Board consists of three members; their stay sometimes extends over several days at a place. If they are allowed to occupy rest-houses, work of more important touring officers of Government is hampered for want of accommodation, and the object for which a Board has been constituted will not be achieved.

- (b) Tahsildars.

COMPLAINTS AGAINST PRESIDENT, MUNICIPAL COMMITTEE,
JHAJJAR.

***5838. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that the President of the Municipal Committee, Jhajjar, has been guilty of a number of unauthorised acts in the said committee as recently represented to him, to the Deputy Commissioner, Rohtak, and to the Commissioner, Ambala Division, by members of the said committee;
- (b) whether similar allegations were made against the said President sometime before also;
- (c) whether any inquiry was instituted on the previous representations against the conduct of the said President; if so, the result of that inquiry;
- (d) whether any inquiry has been ordered to be instituted into the serious allegations made in the recent representation; if not why not;
- (e) the action, if any, that the Government intends to take in this serious matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Some irregularities alleged to have been committed by the President were brought to the notice of the local officers.

(b) Two complaints were made in 1938.

(c) and (d) Enquiries were made in all cases and necessary action was taken to remove the irregularities.

(e) No reference has been received from local officers asking for action by Government.

Khan Sahib Khawaja Ghulam Samad: Will the Parliamentary Secretary be pleased to state whether he has received any complaint or representation from the members of the Jhajjar Municipal Committee?

Parliamentary Secretary: Some complaints were made and they were enquired into.

Khan Sahib Khawaja Ghulam Samad: What were those complaints about?

Parliamentary Secretary: I cannot say.

Khan Sahib Khawaja Ghulam Samad: May I know whether the Parliamentary Secretary is aware that the President, Municipal Committee, Jhajjar, passed the budget estimates for the year 1938-39 in spite of the protest made by a majority of members of the Municipal Committee, Jhajjar?

Parliamentary Secretary: Possibly there was some irregularity. The President was asked to remove the irregularity.

Khan Sahib Khawaja Ghulam Samad: Was that the only action which Government should have taken against the President?

Parliamentary Secretary: Unless dishonesty is proved, no action is taken by Government.

Khan Sahib Khawaja Ghulam Samad: Was it not dishonesty on the part of the President to pass the budget against a majority of votes?

Mr. Speaker: How could he do that?

Khan Sahib Khawaja Ghulam Samad: Matters in a municipal committee are decided by a majority of votes. Majority always prevails. In this case the President decided in favour even when the majority of votes were against the motion. Is that not a sufficient case for Government to take action on?

Khan Sahib Khawaja Ghulam Samad: Was there any allegation made in the representation made by some of the Members of the Municipal Committee, Jhajjar, to the effect that the 25 per cent cut proposed in the salaries of municipal employees was heavy. I also want to know whether the Deputy Commissioner of Rohtak returned the budget estimate of the committee with the remarks that it contained very abnormal figures about the cut in pays of the municipal employees for reconsideration and thus supported the protest of members. I also want to know, in the presence of the facts given above, what action was taken by the Government.

Mr. Speaker: From which answer does this question arise?

Khan Sahib Khawaja Ghulam Samad : It arises from part (c) of my question. I want to know whether Government has taken any action on the representation sent by the municipal commissioners containing allegations mentioned in my previous supplementary question ?

Mr. Speaker : What is the honourable member enquiring now ?

Khan Sahib Khawaja Ghulam Samad : I am enquiring about the contents of the representation and the action taken by the Government thereon. I have got a copy of the representation. It was also sent to the Honourable Premier and the Honourable Minister for Local Self-Government. In this representation there is a large number of allegations. I want to know whether these allegations were not quite sufficient to take action against the President. This is my object in putting this question and to find out the action taken by the Government in the matter.

Mr. Speaker : But I think the honourable member was asking about some remarks of the Deputy Commissioner.

Khan Sahib Khawaja Ghulam Samad : Yes, the Deputy Commissioner returned the budget estimate with the remark that the 25 per cent cut in the pay of the municipal employees was abnormal. The President passed the budget against the will of the majority of the members. He did not take the remarks of the Deputy Commissioner into consideration nor the reasonable protest of the members.

Pandit Shri Ram Sharma : Did the members who made this complaint form the majority in the Committee ?

Parliamentary Secretary : As I have already submitted, when the complaints were made by the members, an inquiry was held into the matter and certain irregularities were found, but no case of dishonesty was found. The President was instructed to behave properly and after that the Government have not received any complaint. It has already come to your notice that the cut is out of all proportions.

Lala Deshbandhu Gupta : The Parliamentary Secretary is making a departure. He is disclosing the facts of the inquiry in this case.

BIRTHS AND DEATHS IN HISSAR DISTRICT.

***5845. Chaudhri Sahib Ram :** Will the Honourable Minister for Education be pleased to state the number of men who died and the number of children who were born every month in the Hissar district from 1st October, 1936, to 31st October, 1939.

The Honourable Mian Abdul Haye : A statement giving the required information up to the 31st August, 1939, is laid on the table. Figures for the months of September and October 1939, are not available.

Lala Deshbandhu Gupta : Has the Government satisfied that there were no abnormal deaths ?

Minister : The honourable member can look at the statement for himself. Since January 1939 there has been increase in the number of deaths.

Lala Deshbandhu Gupta : How much ?

Minister : I cannot say how much, but there has been a substantial increase.

Pandit Shri Ram Sharma : Are Government satisfied that there have been no cases of deaths by starvation?

Minister : It does not necessarily follow that deaths were due to starvation. We are here concerned with the deaths of children.

Lala Deshbandhu Gupta : Are Government going into this matter?

Minister : I have taken every step and they are quite adequate for the moment.

Pandit Shri Ram Sharma : Will the Honourable Minister be pleased to have a look at the question? The number of deaths of men and the birth of children have been asked respectively?

Minister : I have given the number separately.

Dr. Gopi Chand Bhargava : Is it a fact that the number of deaths of men from January 1939 to August 1939 is greater than those of 1937 during the same months?

Minister : Yes to some extent.

Dr. Gopi Chand Bhargava : Why has not the reason for this increase been stated in the answer by the Minister?

Minister : It is generally considered that the deaths were due to famine, in spite of the efforts of Government to provide relief. During famine people are usually depressed. They have to work hard and cover long distance every day to reach the camps. Various steps were taken by the Government to help them. Arrangements for providing them with carrots, codliver oil, germinated wheat and *Amlas* were made and the district was divided into three parts, and instead of one three health officers were appointed to work in those parts separately. The medical relief work was put in charge of the Health Department and the Nutrition Officer was deputed to assist the famine-stricken people. Eight new doctors have been appointed and seven doctors temporarily transferred to Hissar from other districts. Special arrangements were made for carrying patients to the hospitals and where there were no hospitals, new ones were temporarily opened. Serious cases were sent up to the hospitals and ordinary cases were allowed to remain in the village dispensary and treated on the spot.

Dr. Gopi Chand Bhargava : When was this arrangement made?

Minister : About two months ago.

Dr. Gopi Chand Bhargava : Is the Honourable Minister aware of the fact that the death rate in 1939 from January to August is double the death rate in 1937 during the same months? May I know whether the reason for this is deficiency or insufficiency of food?

Minister : Both. As they had to work hard and cover long distance. The food supplied was sufficient to keep body and soul together. So far as the number of deaths is concerned it was greater in May and after May the numbers gradually decreased. In May the number of births also decreased. But after May, in July and August, the number of births again increased.

Dr. Gopi Chand Bhargava : Does the Honourable Minister mean to say that the poor people get more children during the hard days ?
(Laughter).

Minister : The birth rate of children is usually great amongst beggars.
Number of births and deaths by months from 1936—39 in Hissar District.

Months.	1936.		1937.		1938.		1939.	
	Births.	Deaths.	Births.	Deaths.	Births.	Deaths.	Births.	Deaths.
January .. ..	..	..	3,913	1,746	3,808	2,052	3,473	3,885
February .. ..	..	..	2,972	1,619	3,161	1,587	2,761	3,193
March .. ..	..	..	2,952	1,607	2,996	1,961	2,854	3,036
April .. ..	..	..	2,595	1,783	2,811	2,564	2,595	3,096
May .. ..	..	..	2,727	2,104	2,645	4,225	2,542	4,101
June .. ..	..	..	3,031	2,168	3,088	3,730	2,999	4,026
July .. ..	..	..	3,880	1,611	3,980	2,609	3,602	3,522
August .. ..	..	..	4,611	1,648	4,493	1,936	4,060	..
September .. ..	..	..	4,764	1,541	4,477	1,650	..	..
October	4,816	1,455	5,065	1,492	4,645	1,528	..	..
November	4,658	1,437	4,618	1,647	4,374	1,930	..	..
December	4,710	1,570	4,397	1,944	4,079	2,733	..	..
Total	14,184	4,462	45,525	20,910	44,567	28,605	..	..

SHORT-NOTICE QUESTION AND ANSWER.

RECRUITMENT OF COMMUNITIES TO SERVICES IN VARIOUS DEPARTMENTS.

Sardar Bahadur Sardar Gurbachan Singh : Will the Honourable Minister of Revenue be pleased to state whether his attention has been drawn to a note published in the public Press with regard to a certain circular alleged to have been recently issued by the Financial Commissioner, Punjab, asking all the Commissioners in the province to make recruitment in all departments directly under their control according to the following percentages, Muslims 75 per cent, Hindus 10 per cent, Sikhs 10 per cent and others 5 per cent ; if so, the reasons why a departure has been made in the already fixed percentages, that is, Muslims 50 per cent, Hindus and others 30 per cent and Sikhs 20 per cent ?

Mian Abdul Rab : Sir, I rise on a point of order before this question is answered. I draw your kind attention to the fact that this is a question dealing with percentages of various communities in different departments, and according to the convention already established, a communal question of this nature should not be asked.

The Honourable Dr. Sir Sundar Singh Majithia : Yes, I have seen the notes in the Press, but they are misleading. The position is that the following proportions were fixed for future recruitment to services in the Punjab :—

	Per cent.
Muslims	50
Hindus and others	30
Sikhs	20

Difficulty was, however, experienced in the case of appointments which are made locally as in some districts, members of the various communities were not available to bring out these proportions. The population figures did not warrant representation on provincial basis and it would have meant in many cases importation of members of certain communities from other parts of the province which would have been unfair and would have been resented by the residents of the districts concerned. To overcome this difficulty, it has been decided that percentages should be arranged division-wise, i. e.—

	Muslims.	Sikhs.	Hindus.	Others.
Ambala	30	10	55	5
Jullundur	30	30	35	5
Lahore	50	30	15	5
Rawalpindi	75	10	10	5
Multan	65	20	10	5
Whole Province	50	20	25	5

These proportions have been introduced in the Revenue Department for the present, and if they work satisfactorily they will be followed before long in other departments also where recruitment is division-wise.

Lala Harnam Das : May I know as to what communities are included in 'others'?

Minister : All others. (*Laughter.*)

Diwan Chaman Lall : May I ask my honourable friend whether any public bodies were consulted before this departure in the declared policy of the Government was undertaken?

Minister : There is no question of departure. It is only an adjustment.

Diwan Chaman Lall : May I ask my honourable friend whether he does not consider that it is a very serious departure of principle, namely, that instead of taking the figures province-wise, the figures are being taken division-wise. The next step will be district-wise, and the next be tahsil-wise and the final step will be village-wise? Is that not a very serious departure?

Minister : That is not a serious departure. The division-wise figures have been introduced to bring out the province-wise figures and it is for the Commissioners later on to say how they are going to deal with the matter.

Diwan Chaman Lall : Is not the Honourable Minister introducing a most dangerous principle in the political life of this province—dividing up the country on the basis of a division from the point of view of services instead of considering the province as one whole single unit ?

Minister : It is a question of opinion.

Diwan Chaman Lall : May I ask whether my honourable friend, before taking this departure, consulted the opinions of important bodies in this province who are going to be affected by this departure ?

Minister : First of all, there is no departure whatsoever. We have consulted all the district officers and commissioners in the matter.

Diwan Chaman Lall : Why was this House not consulted in regard to this particular departure before ?

Minister : The simple reply is that when the original proportions were fixed they were not fixed after consulting this House.

Diwan Chaman Lall : Was this policy which the Government decided upon not brought before this House ? It was brought before it prominently. Should not any departure from that policy be brought before this House ?

Minister : My honourable friend would concede that it is a discretion which vests in the Government.

Diwan Chaman Lall : May I know the date on which this particular departure took place ?

Minister : There is no departure whatsoever.

Diwan Chaman Lall : When were these orders issued ? Was not the new order for recruitment division-wise on a communal basis ?

Minister : The orders were issued on 23rd December, 1939.

Rai Bahadur Mukand Lal Puri : May I ask if any Hindu official or non-official not belonging to the Ambala division was consulted in this matter inasmuch as I find that the persons most badly affected are Hindus belonging to other divisions than Ambala ? Was any Hindu—officially or non-officially—not belonging to the Ambala Division consulted before this order was passed ?

Malik Barkat Ali : May I, through you, before the question is replied to, enquire if the convention which has been set up by the Government that no such communal proportions and percentages shall be discussed on the floor of this House, has been abandoned by the Government or not ?

Minister : The convention is not abandoned at all. Because there were misunderstandings created by the public Press, therefore, it was my duty to remove them.

Malik Barkat Ali : That would apply to all such questions.

Diwan Chaman Lall : May I ask my honourable friend whether he is aware that this radical departure from a principle accepted already is likely to cause serious communal unrest in the province ?

Minister : I have no fear on that score.

Lala Duni Chand : Was the Honourable Minister in charge consulted ?
(Interruption).

Khan Sahib Chaudhri Sahib Dad Khan : What is the Muslim population of Rawalpindi, Multan and Ambala divisions ?

Minister : If my honourable friend will give notice, I will find out ; or, he may consult the Census Report.

Dr. Sir Gokul Chand Narang : Rai Bahadur Mukand Lal Puri's question has not been answered and, therefore, I would take the opportunity of asking a question. His question was whether any Hindu outside the Ambala division was consulted before this order was passed. That was his question and I want a reply to it.

Minister : It is a matter of policy.

Dr. Sir Gokul Chand Narang : And, therefore, nobody need be consulted ? May I ask one question. Was this order passed at the instance of the Honourable Minister of Development ?

Minister : No.

Dr. Sir Gokul Chand Narang : No ?

Minister : No. Certainly not.

Dr. Sir Gokul Chand Narang : Was he not even consulted ?

Minister : As a member of the Government it was his duty to give his advice but I could not be expected to disclose what happened in the cabinet.

Dr. Sir Gokul Chand Narang : I ask whether this order was initiated by the Honourable Revenue Minister himself. With whom did the idea of this order originate ?

Minister : I am afraid I cannot satisfy the curiosity of my honourable friend.

Dr. Sir Gokul Chand Narang : There is no question of curiosity. I protest against this word. This is the second time that this word has been used to-day. We do not put these questions to satisfy our curiosity. We put these questions in order to obtain information. It is not a curio shop that we come here to satisfy our curiosity.

Minister of Public Works : It looks like that. (*Interruptions.*)

Dr. Sir Gokul Chand Narang : One newspaper described this Assembly as *Malangon ka akhara*. I do not know if that has come to your notice.

Mr. Speaker : No, it has not come to my notice.

Dr. Sir Gokul Chand Narang : A very largely-published newspaper described this Assembly as *malangon ka akhara*. Are we now to take this House as a curio shop ? The reason for describing it as such was the conduct of some Ministers in answering certain questions, in refusing to answer certain other questions, in giving evasive answers, in sitting down when a question is put, in laughing when a question is put and in grinning when a question is put. I have every respect for this House. This is not a curio shop. We do not come here for satisfying our curiosity. I only wanted—and that I consider to be an important matter—to know whether the idea originated with the Honourable Minister for Revenue. Does he decline to answer ?

Minister : I cannot answer as long as the honourable member is standing.

Dr. Sir Gokul Chand Narang : I shall sit down.

Minister : First of all, these instructions were issued with regard to the appointments that are to be made within divisions and they are in connection with ministerial appointments, and not for the services as a whole, in the deputy commissioners' offices, the commissioners' offices and the Revenue Department. Instructions were given as to how to carry out the orders of the Government on the subject so as to bring out 50 per cent for Muslims, 20 per cent for Sikhs and 30 per cent for Hindus and others. This is only a sort of divisionwise proportion given to obviate any difficulty that may arise. When certain difficulties are pointed out by the officers, it is the duty of the Government to see that those difficulties are removed and it was for this purpose that these instructions were issued. If my honourable friend wants to discuss the policy of the Government, it is not the way to discuss it by means of questions and answers. Discuss the policy of the Government either on the budget or by a substantive motion.

Dr. Sir Gokul Chand Narang : The reason for passing this order, as stated by the Honourable Minister, was that sufficient number was not forthcoming from the members of a particular community in each division and men had to be imported from outside. This is the report by the local officers. So far as we are aware, for one post there are about 100 applications in almost every office. But I want to know whether this information is also given by local officers. We should know what sort of local officers they are who give such absurd reasons.

Minister : I would request the honourable member to consult the census figures. What is the proportion of Sikhs in the Rohtak district, what is the percentage of Sikh population in Muzaffargarh district, what is the population of Sikhs in Multan district and what is the population of Sikhs and other communities in other divisions? When the former orders were communicated to District Officers through the Commissioners, the difficulty was pointed out by local officers and, I think, it is the duty of the Government to look into the matter.

Dr. Sir Gokul Chand Narang : What particular evil was pointed out? Suppose a Sikh is wanted as a naib-tahsildar or *girdawar*.

Mr. Speaker : The question would be hypothetical.

Dr. Sir Gokul Chand Narang : Sir, I am asking a question with respect to the nature of the evil. Suppose a Sikh *girdawar* in the district of Gurgaon was wanted and none was forthcoming there. What was the evil if another candidate from Ambala or from a neighbouring division or even from Lahore was taken?

Minister : The same that I have explained in my reply.

Khan Bahadur Captain Malik Muzaffar Khan : Is it a fact that the population of Muslims in the Rawalpindi division is 85 per cent? If so, are they not justified to grumble and feel dissatisfied if 75 per cent or even less representation in services is given to them?

Mr. Speaker : That is a question of argument.

Lala Harnam Das : May I know whether both the parliamentary private secretaries representing scheduled castes were consulted when the Government fixed this proportion?

Mr. Speaker : Disallowed.

FACTORIES (PUNJAB AMENDMENT) BILL.

Mr. Speaker : The House will now resume discussion on the motion that the Factories (Punjab Amendment) Bill be referred to a select committee.

Diwan Chaman Lall (East Punjab, non-Union Labour) : Mr. Speaker, on the last occasion when this debate was adjourned, I was on my feet opposing the motion for reference of the Factories (Punjab Amendment) Bill to a select committee, and I saw the next morning to my great surprise that I had already taken up an hour and-a-half of the valuable time of this House in discussing that motion. Therefore, I do not intend to say anything more, except to request you, Mr. Speaker, to give ample time to my honourable friend, the Minister for Development, to reply to the points that I had raised. I may also remind you, Mr. Speaker, that all the points that I raised in reference to this matter, had been raised with one object in view, not to score a victory over my honourable friend in debate, not to score a point in favour of the Opposition, but keeping in view solely the interest of the province, which should be paramount and which should be the paramount concern of this Government as well as of those sitting on those benches. It was with that object in view that I spoke on the last occasion and with that object in view I ask my honourable friend to deal with the subject to the satisfaction, not only of his own side, but to the satisfaction of this House and of this province.

Munshi Hari Lal (South-Western Towns, General, Urban) : Sir, I would like to say a few words with regard to the provisions of the amending Bill. This Bill, it appears to me, is one of the *choorans*, which the Honourable Minister for Development, as he said in his speeches, wants to give to the non-agriculturists in the province. I am quoting his words when he said—

Main ne abhi lalon ko char chooran diye hain. Mere pas aur bhi chooran maujood hain jo main unko dena chahta hun.

I think this Factory Bill is one of the *choorans* that is being administered to the non-agriculturists in the province. The object of this Bill appears to be political. It is not socialistic. It is neither economical, nor is the Bill framed with the object of ameliorating the conditions of workers, nor to regulate the industries. It is on the other hand to retard the growth of the factories and to cripple the industry. The objects which are narrated at the end of this Bill are that there is a rapid increase of factories in the Punjab. Let us look to the facts and figures and see if this proposition is correct. If it is not, surely the object of the Government in bringing such a Bill is to insure their existence.

The words are :

Industrial development is taking place rapidly in the province.

Unless the word 'rapidly' has got a different meaning in the dictionary of the Unionist Government, the word 'rapidly' used here is a misnomer. How is the Punjab advancing? If the Punjab Unionist Government wants to lead in making laws in order to curtail factories and in order to hamper the growth of industry in the Punjab, surely it deserves the credit of being the leader in India. The number of factories in this province is not so much that we should be proud of it. I quote some facts from other provinces. In 1937 Madras had 1,786 factories and the number of labourers was 185,680. Bombay had 1,796 factories and the number of workers was 495,207. In Bengal there were 1,694 factories and the number of labourers was 565,458. The Punjab in 1937 had only 798 factories. Just mark the number of factories in the province of Madras, Bombay, Bengal and the Punjab. The number of factories in the United Provinces was 514 and the number of workers was 163,484. In the Punjab the number was only 798 and the number of labourers was 69,473. None of the provinces, neither Madras nor Bombay, Bengal nor the United Provinces have thought fit to undertake any legislation of the type which is contemplated in this province. The report on the working of the Factories Act in the Punjab for the year 1938 says :

The year 1938 may be characterized as a period of consolidation rather than one of expansion.

There has been no growth. This present Government came into power from 1st April, 1937. I have given the figures for 1937 and in 1938 there has been no increase whatsoever. The annual report on the working of the Factory Act in the Punjab says that the year 1938 may be characterized as a period of consolidation rather than one of expansion. Further on in this report on page 2 it is stated :

The larger textile mills extended their operations. The cotton ginning factories had a comparatively dull year owing to the cotton crop being below the average. Sixty-three of these factories did not work at all and 35 remained closed during the three months October to December, 1938.

This is the growth of the factories in 1938. The report says at page 1 twenty-two factories were removed from the register and 47 factories were added to the register. This is the rapid progress that has been made during the time that the Unionist Government has been in office. This is the rapid growth in the number of workers and factories which has led the Honourable Minister to bring in this Bill. One of the honourable members speaking from the other side was pleased to remark that this Bill will secure the interests of the agriculturists. I am unable to understand it. A question was put to the honourable Nawab Sahib to give us the reasons and to enlighten the House on the point as to how this Bill will serve the interests of the agriculturists. In spite of the question being repeatedly put the honourable Nawab Sahib did not dare reply to it. On the other hand, a study of the Bill would show otherwise. The agriculturists always cry for better prices and that can only be met if the factories grow in number and if there is consumption of the raw material. If the Bill were to foster the industry and to encourage factories, it may be advantageous to the zamindars, but the Bill as it stands and if passed will work otherwise. It can by no means be beneficial and useful to the zamindars. An instance was given by an

[Munshi Hari Lal.]

honourable member of the House. The produce of sugarcane of this province can be advantageously used for the purposes of sugar.

4 p. m. I am unable to understand how that argument was advanced by the honourable member. In the schedule nothing is to be found about sugarcane factories. The schedule omits the sugarcane factories. The argument advanced by the honourable member on the other side that this Bill will be useful to the zamindar does not hold good. This Bill was circulated for public opinion and a study of the opinions that have been handed over to us shows that there is a volume of opinion against it. I would read a few of the opinions and will show that this Bill is more political in nature than economical or socialistic. In giving his opinion, the Deputy Commissioner of Multan says :

While the objects of the Bill appear laudable, I am very doubtful of the advantages of their application. The result of this amendment will be that the Government of the day will have complete control over the starting or extension of major industries in any particular place and it will be that this power may be misused for political reasons.

This is the crux of this Bill. The real object of bringing forward this Bill and putting it on the legislative anvil is political. It is not economic nor socialistic nor that of bettering the conditions of the labourer.

Mr. Speaker, when the question of registration of these factories comes in—and the registration is to take place every year and the licence is to be renewed every year—it is an open secret that the factory owners, the factory managers and other people concerned with the factories will have to knock at the door of the authorities and will be placed in the clutches of the petty officials. I might here give an instance of how the Money-lenders Registration Act is being worked in the district of Multan. It was stated on the floor of this House by the Honourable Premier when that Bill was on the anvil and was being considered clause by clause, that there will be no trouble and the first registration and the first licence will be granted automatically. What is the condition in Multan ? As soon as a money-lender applies to the Deputy Commissioner for being licensed and registered, his application is sent to the tahsildar, naib-tahsildar, revenue assistant or to any officer of the place to which he belongs. He is asked to bring evidence to prove that his character is flawless and consequently has to bring witnesses before the officer. I must point out how the officers of the lower rank are satisfied. Their satisfaction may be by the presentation of coins or notes. How are they satisfied ? I leave it to the House to think over the matter and to consider how the applicants are put to a great hardship. This is with regard to the administration of the Money-lenders Act about which we were told so often and repeatedly in the House that there would be no trouble whatsoever, and there would be no inquiry in the grant of the licence and in the matter of registration. First licence and registration will be automatic. In practice, however, what do we find ? We find that the people are put to a great trouble in coming over to the headquarters of the district and in applying for the licence. After the application is lodged they go back, they have to go to the headquarters of the tahsil, they have to go to the naib-tahsildar and other officials who are entrusted with the investigation of the applications for licence and then the

inquiry takes place as if a criminal is under investigation by the police. The whole character comes before the authorities and evidence is produced to show that the applicant is a man of good character.

An honourable member : Is that under instructions from the Government?

Munshi Hari Lal : I gave notice of a question in the Assembly but it has not been answered so far. Many people have come to me and complained to me about this unwarranted procedure. I know of one case in which a friend of mine was put to a great trouble and in which he asked me that I should give evidence before the naib-tahsildar and testify to his character being good. This is what is being done in the Multan district. I vouch for the correctness of what I have said. (*Honourable members : Shame.*) This is the state of affairs when the words of the section are so clearly to the effect that licence will be automatically granted. How can one say that the factory owners will not be put to trouble on account of registration or licensing of their factories?

The object of the Bill is not to foster the growth of the industries or to industrialise the province. The object is to keep all these people under the thumb of the Government and to gag them. The Government wants to act as dictators and to see that their dictates in the matter of election are obeyed implicitly.

Probably the Honourable Minister and the Unionist Government cannot see that anybody should be free in following his occupation. They want that everybody should be under their control. So far as the control over the factories is concerned, Mr. Speaker, I do not object to it, but the control should be reasonable. The control should be such as to prove salutary, healthy and in the interest of labourers and of operatives. Mr. Speaker, I have read out the opinion of the Deputy Commissioner of Multan. He has mentioned the practical difficulty that will naturally be experienced by the people if this Bill is passed. Here is the opinion of the Deputy Commissioner of Lahore. He says:—

The Bill postulates a very extensive knowledge on the part of the Government department concerned.

He says that in interfering with the factories, it is going to be presumed that the Government has got practical knowledge about industries and has got a scientific knowledge of how these factories work.... "It may in practice"—mark, Sir—"it may in practice result in obstruction to the natural growth of industry in the areas best suited to it and will expose Government to odium, charges of favouring or prejudicing one commercial interest against another". Mr. Speaker, the Deputy Commissioner is positively of opinion that the Factories Bill will open the door for favouritism, nepotism and jobbery in the administration. Further on he says :

The object in view is academically sound.

So far as theories are concerned, we may leave them aside. The question of soundness of theories or otherwise does not arise and if I rightly understood

[Munshi Hari Lal.]

the Finance Minister, when he opened the Economic Conference, he wanted to give freedom to the factory owners and the industrialists. Where is the freedom now? If I want to start a factory I have to knock at the door of the officer and say 'give me the licence, register me' and if he refuses to give the necessary permission for political reasons, or because I happen to be a Congressman I am doomed. The means of livelihood are barred against me. On the one hand, there is a cry against unemployment, the doors for its removal are being slammed against me. As soon as I apply for permission, an officer steps in who may not even give me the necessary permission. The Deputy Commissioner, Lahore, goes on to say :

The object in view is academically sound. The imposition of a system of registration of factories on payment of fees is unexceptionable.

Mr. Speaker, I had looked into the records in order to find whether in places where there are so many chimneys giving out smoke, where the country lives on industry alone, there is any registration. But I could not find anything by way of registration fee. But here is the opinion of the Deputy Commissioner of Lahore, who says—probably he may be a European officer—I do not know who he is :

The imposition of a system of registration of factories on payment of fees is unexceptionable. But the main object of the Bill as indicated above is highly controversial from the practical stand-point and strong opposition may be expected from the commercial bodies more nearly concerned.

Then the Deputy Commissioner of Sialkot says :

I consider that the principle of Government interference in the free development of industry is extremely objectionable from the point of view of economic freedom, which is one of the principles of civilisation in all democratic states. To introduce such a principle in India is to insert the thin end of the wedge of totalitarianism.

Surely we are marching towards dictatorship. The Deputy Commissioner of Gujranwala says :

In my opinion the new section 5-A will impose an unnecessary restriction on the development of industries in this province.

There are other opinions which I should not read. But I only want to read the opinion of the Municipal Committee, Lyallpur. Lyallpur, besides being an agricultural town, is the best industrial town in the province. There are so many factories there and so many industries. This is the opinion bearing date of 18th December, 1939. The recent elections in which the Congress has scored a brilliant victory, took place in the month of January. So the Municipal Committee which expresses this opinion was not then dominated by the Congress element. This is the opinion expressed in December, 1939, by another committee :—

The factory owners have to observe so many conditions under the Factories Act, 1934, and if fees are levied and further restrictions are imposed upon them all the factories are bound to close down with the result that industries in the Punjab will be heavily affected thereby. The factory owners will have to bear great loss. The proposed amendments are very harsh and oppressive and should not be enforced.

Mr. Speaker, the Bill has been circulated for public opinion and the public opinion that has been received by the Government is against this Bill. The public opinion does not at all favour the Bill. Unless it is meant to enforce it upon the public, unless it is meant to administer a sour pill to the people and unless it is meant to flout public opinion the Bill is useless. This Bill is quite unnecessary. It is very harsh and severe and the sooner it is given a decent burial, the better for the Government and for the public. There is another point that I find in the statement of objects and reasons and that is 'uneconomic competition'. I do not understand what the Unionist Government has in mind when it says 'uneconomic competition'. Do they mean to say that the factories are being run at a loss? Do they mean to say that they are financially unsound? Is it not within the knowledge of the Unionist Government that there is a pool system all over the province and whenever the factory owners consider that factories are running at a loss or their working is not beneficial, this system is resorted to? It is the concern of the employers and the employers know how to make it economically sound and profitable.

Of course there are directions in which the Factories Act should be amended and those directions are pointed out in the report of 1938. If the Honourable Minister and the present Government were to bring a Factory Amendment Bill on those lines, with a view to remove and redress the complaints of the operatives or workers, surely they will earn their gratitude. But if they are going to put a spoke in the wheel and retard the progress of the factories by legislation, it will not be to the credit of the present Government. I therefore oppose the reference of this Bill to a select committee and I submit that the Bill should be dropped at this stage and another Bill brought forward in order to improve the condition of the workers.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : The most important provision in this Bill is clause 2. Clause 2 says :

No factory shall be established or extended for the purpose of carrying on one or more of the manufacturing processes mentioned in the Schedule.....save with the permission in writing of the Provincial Government or such person or persons as it may direct.

Now what appears to me to be a very important consideration is this. Why is the Government taking to itself this power which will certainly restrict and interfere with the pursuit of professions? All the world over, the pursuit of professions is subject to no restrictions. I can very well understand the Honourable Minister setting forth certain conditions in the Bill and then saying that no factory shall be allowed to be established unless and until those conditions are satisfied, just as in the Insurance Act it is laid down that no company shall be brought into existence for the purpose of carrying on the business of insurance, unless and until it satisfies certain conditions laid down in the statute itself. I would, therefore, suggest to the Honourable Minister to lay down in the Bill itself the conditions under which permission to establish a factory will be granted. If those conditions are satisfied, then there

[Malik Barkat Ali.]

should be no restrictions whatever to the establishment of any factory. Take the profession of law. The only condition that a person has to satisfy before he can be registered as a legal practitioner is that he should be a B.A., LL.B. If a similar condition is prescribed in the Bill itself for the establishment of a factory, I should have no objection to the Bill. We must know beforehand what those conditions are which the Government wishes to be satisfied. But as the clause stands at present it comes to this that if a factory owner decides to extend his factory, a step of the desirability of which he must be the best judge, he cannot do so unless and until he obtains the written permission of the Government. I do not mean to suggest that the Government in granting the permission will be actuated by sinister motives. That is not my point. My only point is that if a factory owner satisfies the prescribed conditions necessary before extending his business or setting up a new factory, then it must not be open to Government to deny that person the permission to set up or extend his factory. I do not see why the Government should take upon itself the power which it seeks under this provision. The pursuit of any profession must be unfettered. Let me support my contention by reference to clause 8 of the Bill. This clause says :

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.

Immediately following this, in another part of the same clause it is said that the Provincial Government may make rules subject to which a registration certificate may be granted. In regard to the establishment or extension of factories, even such a provision is lacking. The Indian Factories Act is also silent on the point and one finds absolutely no indication there of the conditions subject to which factories may be allowed to be established or extended. I will not follow my honourable friend Diwan Chaman Lal and go into the discussion of the question as to whether the industries or the manufacturing processes which are set forth in the schedule do or do not constitute key industries. They may or may not. But one fact is clear that these manufacturing processes are important ones in the eyes of the Government and in regard to them Government is claiming for itself powers of absolutely rejecting the applications of a factory owner, no matter what his position may be. I, for my part, would not give the Government such an absolute power. But at the same time I will have no objection to giving Government this power provided the conditions, which must be satisfied before permission will be granted by the Government are specified in the Bill itself.

Now, coming to the managers or occupiers of factories, I would ask the Honourable Minister to consider whether it would not be desirable to lay down specifically the qualifications of the factory managers or occupiers. Once these qualifications are laid down, then I would agree with the honourable member who just sat down, that the registration would become automatic. The applicants would then not be subject to harassments which were referred to by him. The Honourable Minister should not forget that the authorities should not be given powers which would enable them to

harass the applicants. I, for one, would not be a party to any legislation where the pursuit of profession is subject to a number of unnecessary restrictions.

Rao Pohop Singh (East Punjab, Landholders) (*Urdu*): Sir, in order to gauge the necessity of regulating the growth of industrial development in this province it will be of much use for us to know something about those conditions which have resulted on account of lack of control of industrial development in other provinces of India. My honourable friend Diwan Chaman Lal stated in the course of his speech yesterday that there were something like 80 factories in Bombay and in Ahmedabad and Cawnpore there were more than 80 but so far no legislation has been enacted to control those factories. I will presently place before the House briefly the evil results which have occurred on account of lack of control on the growth of industries in those towns. First of all, I will take up the growth of factories in Cawnpore. There the labourers come in very large numbers. The result is that when the greedy capitalists see that the number of labourers is in excess of what they require for their factories, they employ them on nominal wages. The poor labourers have no other alternative but to accept the Shylock like conditions of the mill owners. But when they find that they have to work for long hours in unhealthy and insanitary conditions on a nominal pay and also see the mill owners getting richer and richer day by day, they also begin to think of pressing for higher wages. But the factory owners, as a matter of fact, know that there is a large number of unemployed labourers who can take their places if they leave, therefore they refuse to increase their wages. They are also aware of the fact that the labourers have nothing to fall back upon and after five or ten days when hunger would stare them in their faces they would return to work and that if the factories remained closed for ten or twelve days, they would be able to make good their loss in the near future. The same labourers would come back and they would be compelled to work for longer hours and thus they would make good their losses. (*Interruptions.*) In view of these circumstances the mill owners do not accept the demands of labourers for increasing their wages. What is the result? This leads to strikes. I remember very well that during the last strike at Cawnpore, Pandit Jawahar Lal Nehru, the friend of the poor, went there to prevail upon the labourers to give up their strike. But the affairs had taken such a serious turn that he was even compelled to say that if the labourers resorted to force, force and even bullets would be used against them in order to maintain peace and order.

Lala Duni Chand: May I know what has this thing to do with the motion under consideration?

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

Rao Pohop Singh: Sir, I am perfectly relevant. I was talking of bad results of congestion of labour which the Bill now before the House seeks to remove. I am giving these instances in support of my contention. I will take up the case of my own province as well and will show whether

[Rao Pohop Singh.]

there has been any congestion of labour or not. I was talking of Cawnpore strike. What happened afterwards? Even Babu Rajendera Parshad went there to effect some sort of settlement between the labourers and the mill owners, but the greedy capitalists refused to come to terms with the labourers. The same thing happened in Bombay and Ahmedabad. We have often been reading news of strikes in newspapers. No less a person than Mahatma Gandbi acted as an arbitrator. He tried his level best to effect some sort of settlement between the mill owners and labourers but without any result.

Now let us see whether there is any such congestion of labour in our province or not. If so, should we wait for the time till conditions like Ahmadabad, Bombay and Cawnpore are created in our province and then try to find out a remedy for them? As a matter of fact we believe that prevention is better than cure. Therefore, before any such emergency arises we want to make a provision for it in order to save our province from such unforeseen calamities. Besides, when strikes take place labourers have nothing to fall back upon and sometimes they reach the verge of starvation and in desperation they even commit such crimes which ordinarily they would not have committed. They even do not hesitate to lynch the factory owners. Naturally the mill owners have to take refuge. Such are the results of congestion of labour. This is what we want to prevent by means of this legislation. I will now quote a few instances to show whether there is congestion of labour in our province or not. Now my honourable friend Diwan Chaman Lall and Dr. Sir Gokul Chand Narang have stated that near Dhariwal Egerton Woollen Mills a friend of Dr. Narang wanted to establish a sugar factory with a capital of 20 lakhs of rupees, but the proprietors of Dhariwal Woollen Mills placed some obstacles in his way and he was forced to take away his factory to an Indian State. My honourable friend Dr. Narang even charged the Government that they did not help his friend to set up a sugar factory near Dhariwal, even though the Government had no power to help him. Now my honourable friend Dr. Narang did not throw any light as to why the Egerton Woollen Mills did not like the setting up of a big sugar factory near their own mills. This enigma was clarified by my honourable friend Diwan Chaman Lall. He stated that the reason as to why the proprietors of Egerton Woollen Mills did not like a big factory near them was that the said mills conduct their business in a strange way which is known in Calcutta but not outside. Fortunately my honourable friend has come to know of it. That is that the Egerton Woollen Mills require only 3,000 labourers to work in their mills. But as a matter of fact 10,000 skilled labourers remain always at their disposal. The result of this congestion of labour is that those highly skilled labourers have to work in the said Mills on nominal wages of two or three rupees a month. Now if the friend of my honourable friend Dr. Sir Gokul Chand Narang had established his factory in the neighbourhood of Dhariwal Woollen Mills these extra skilled labourers would have gone to that factory and consequently the Dhariwal Woollen Mills would have been forced to grant higher wages to their labourers. So they somehow or other tried to drive him away. Now from this example

does it not follow that there is a congestion of labour at Dhariwal? Similarly in other places where factories are working there is congestion of labour. When the conditions are such, my honourable friend Diwan Chaman Lall instead of condemning the Government should come forward to welcome this Bill, because it is going to give some power to the Punjab Government to regulate the industrial development. But I am surprised to find that the representative of labour, although he waxed eloquent and brought all sorts of charges against the Government, sees these conditions and yet he thinks that the Government should not regulate the congestion of labour.

Then he pointed out that there was no rapid growth of factories in the Punjab which could justify the introduction of such a measure. But in the same breath he pointed out that there were as many as 402 permanent factories and 386 seasonal factories in the Punjab. This means that during the last four or five years as many as 800 factories have been set up in the Punjab. Now in order to judge whether there is rapid growth of industries in the province or not we should take another matter into consideration and I will elucidate it by giving an example.

Now I would like to refer my honourable friends to the motor vehicle industry. I want to show how congestion takes place in a particular industry when it begins to yield a little income. There was a time when in the whole of a district there used to be only one lorry which was plied for the conveyance of the public. But when the people came to know that plying of lorries was a lucrative business and it yielded a handsome income they feverishly took to this industry. Everybody endeavoured to possess one or two lorries, no matter whether he had to acquire them on a hire purchase system or by selling his land or house. (*Lala Duni Chand*: What a beautiful analogy between a lorry and a factory!) My honourable friends are fully aware of the condition of this industry. It is no longer a paying proposition. The plethora of lorries has resulted in a keen, uneconomic and cut-throat competition. As a matter of fact things have come to such a pass that the lorrywallas try to carry passengers at a very nominal fare in order to keep their body and soul together. In this connection I am reminded of the fact that from Rohtak to Delhi the Railway charges are Rs. 2-4-0 per return journey. But the lorrywallas there charge only seven annas for a return journey. In fact their income has gone down to such an extent that innumerable persons have been compelled to abandon this industry. Consequently this keen competition has resulted in the financial ruination of hundreds of people. May I know if this cut-throat competition does not call for a state control? When people see that there are profits in factories, they will build them in very large numbers.

Then, Sir, my honourable friend Diwan Chaman Lall mentioned in the course of his speech that in the year 1937 about 69 factories were established in different parts of the province. But as he wanted to show that no industrial development had taken place, he said that 38 were closed down within that year and only 31 were left and they too were pulling on with difficulty. But my honourable friend has not cared to tell us the reason of their closure. He has rather attributed the closing down of 38 factories to the failure of Government in not providing them protection or proper help. But that is not a fact. It is rather the cut-throat and uneconomic competition which is one of the main causes of their unhappy end. Then

[Rao Pohop Singh.]

my honourable friend Dr. Narang expressed great sympathy for Nawab Muzaffar Khan and accused the Punjab Government for having failed to render assistance to the latter in maintaining a sugar factory. But my honourable friend Diwan Chaman Lall has rightly pointed out that that sugar factory could not be run at that particular place where Nawab Sahib wanted to establish it. Then my honourable friend Dr. Gokul Chand Narang did not stop at that. His heart bled for those rich share-holders and capitalists who financially suffered a great deal on account of the closing down of a sugar factory at Sonapat. In this case, too, he wanted to make a political capital out of it and prove the incompetence of Government for taking no steps to save it from ruination. But may I know if he has not a single word of sympathy for those who were compelled to close down 38 factories and consequently undergo heavy financial losses? Does his heart not bleed for those who were rendered workless owing to closing of a large number of factories? I am, therefore, of the opinion that it is in the fitness of things that a measure of the kind of this Bill should be adopted by Government in order to regulate the establishment of factories and avoid the evils resulting from uneconomic competition and congestion of labour. The need for this Bill becomes all the more imperative when we know that people are bound to take to any industry which for the time being may appear to be very promising. If this Bill is not passed, the same difficulties would arise in the Punjab, with which Bombay, Ahmedabad, Cawnpore, etc., are confronted.

Again, Sir, it has been argued that the provision of obtaining licence on payment of fees, for opening a factory or introducing a new industry, is very harsh. I may point out that its retention is absolutely necessary. It would place a sort of curb on the capitalists, who are obsessed in amassing wealth but pay no attention to the degrading condition of labour. Under the provision it would be open to Government to refuse permission to a millionaire to start a big concern cheek by jole with small enterprisers. Now the big capitalists would no longer be able to drive out the small *entrepreneur* from the market. But the hue and cry raised by my honourable friends over there goes to show that they have no soft corner for the poor whom they want to satisfy by merely expressing lip sympathy. In reality they are out and out pro-capitalists. Again they take delight in living in imaginary world and not coming to grips with the stark realities. They would glibly talk of nationalisation of industries and wiping off all debts. But when the Government finding it impracticable to wipe off all debts, bring forward some debt relief measures to alleviate the miseries of the debtors, all the zeal and enthusiasm of my honourable friends evaporate like the mist. Again our Government instead of taking the revolutionary step of depriving the capitalists of their industries by nationalisation, have decided to regulate and control the establishment of factories with a view to safeguard the interests of the poor. But it is a thousand pities that sinister motives are being attributed to the Government for sponsoring this measure. My honourable friends may rest assured that Government have absolutely no ulterior motives. They have introduced this measure in good faith and with a view to ameliorate the condition of the poor factory labourers and help the small enterprisers. Of course the millionaires would not be encouraged to flourish at the cost of others.

Besides, I have another submission to make by way of reply. My honourable friend Diwan Chaman Lal has with great vehemence condemned the Honourable Minister of Development for pursuing a policy of ruralization. He said that such a thing was extremely objectionable on the part of the Honourable Minister. May I know from the honourable Diwan Sahib as to what that ruralization means? Has any town been demolished to give place to a village? Or is this ruralization policy merely based on the fact that the Government is trying to do something for the long neglected poor peasantry, who form 89 per cent. of the total population of this Province? I am at a loss to understand that the mere fact that this Government has introduced a Bill to provide subsidies for cottage industries, is so unpalatable to my honourable friends that they have raised the bogey of ruralization. They have included debt legislation in the category of measures adopted by the Government to further ruralization. Sir, may I through you ask my honourable friends opposite as to what urbanization means? Do they want that the poor zamindars be relieved of their last penny to provide the town dwellers with all the amenities whereas they should not be asked to contribute anything? The Government is doing nothing of the sort that my honourable friends allege but is merely trying to adjust the balance of too much urbanization to a little extent in favour of the rural population. So far the zamindars had been filling the coffers of the Government but nothing was provided to them in return. Now our Government is trying to do a little for them but even this is causing a heart burning among our self-styled well wishers on the opposite.

Yesterday my honourable friend, Diwan Chaman Lal, said that he wished that our villagers may also have good furniture and curtains, etc., in their homes as are to be found in an average English labourers' home. But I say that we will be satisfied even if we get enough to eat, have khaddar for our clothes and good drinking water in our villages. In reality they are trying to serve the interests of the capitalists in the name of the Congress.

Shrimati Raghbir Kaur : We are, on the contrary, striving to destroy capitalism. We are not in favour of a struggle which will end if a few crumbs are thrown to us.

Rao Pohop Singh : Let me assure the honourable lady member that little by little we will wrest everything from their hands. Sir, ghee is in itself a very beneficial article of food but the moment monkey nuts are cooked in it, it has an injurious effect on your throat. The same is the case with the honourable lady member and many other members on that side of the House. They are very good themselves. The real Congress to which they belong is also good, but their association with the capitalists has had a very baneful effect on them. I would appeal to them not to associate themselves with these persons who like monkey nuts affect their minds adversely but to join the select committee and to help in the passage of this Bill. Now I would try to meet the argument of my honourable friend Dr. Sir Gokul Chand Narang who has accused this Government of nepotism and jobbery. There is absolutely no nepotism in the sense he takes it but I admit that one form of nepotism does exist—if it may be called by that name—and it is this. It is a well known fact that 89 per cent. of the population in this

[Rao Pohop Singh.]

provinces lives in villages while only 11 per cent. lives in cities. Up till now the urban people had monopolised all the posts in this province but the present Government has tried to give the zamindars their due share and this is what constitutes nepotism.

Secondly, the honourable Dr. Sahib has alleged that this Bill will give the Government a free hand in the industrial sphere and they will bestow monopolies on a certain class of people. He is not here and to say anything in his absence will be the height of bad taste; but I will just make a passing reference with regard to the supersession of the Lahore Municipality and the granting of monopoly to the Imperial Chemicals. On being asked about the latter he said: "It was done over my head; I had no hand in it". On this my honourable friend Diwan Chaman Lall had remarked that the proper thing for the Honourable Dr. Sahib to do at that time was to have resigned. Let me assure my honourable friends opposite that we have not such

5 P. M.

a weak and feeble-minded minister in our cabinet as the honourable Dr. Sir Gokul Chand Narang was. Had there been any we would have advised him to make room for some other person of a strong character.

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

Rao Pohop Singh : Sir, my submission is that the honourable Dr. Narang was pleased to charge the present Government that it wanted to foster monopolistic control of industries by a small group of millionaires by means of this measure, and I simply tried to remind him that his own slate was not clean in the matter. The present cabinet is full of life and vigour and that is why it does not tolerate the presence of any feeble-minded man in its folds. Although the honourable Dr. Narang enjoyed the support of the Governor, yet our cabinet refused to accept him as a minister. In fact it was a sufficient proof of its potency.

Now, Sir, my honourable friends Dr. Narang, Chaudhri Krishna Gopal Dutt and Munshi Hari Lall have remarked that since the Department of Industries is within the cognizance of the Honourable Minister of Development who according to them is the greatest enemy of the non-agricultural moneyed classes they could not entrust him with the control and management of industries in the province. Now there is no gainsaying the fact that they have indirectly approved of the principle underlying the Bill. But since they are the representatives of the capitalistic classes they cannot dare to offend their electorate by joining hands with the ministerialists on this issue. Although the spirit and letter of the agrarian Bills recently passed into law by the Government were in consonance with the declared policy of the Congress, yet these so-called Congressites thought it fit to take serious exception to their enactment. They spurned the instructions of Maulana Abul Kalam Azad and went out of their way to please their capitalist friends. Let us refer the agrarian Bills to the Congress High Command or to Mahatma Gandhi and seek his guidance in the matter. I assure my friends that I am prepared to accept his verdict as final. But I am sure such a

decision would not be palatable to my friends opposite who are not willing to endanger their interests by incurring the displeasure of their capitalist supporters.

Chaudhri Krishna Gopal Dutt : We are prepared to accept the challenge and to refer this matter to Mahatma Gandhi.

Rao Pohop Singh : They would not accept his verdict; of that I am sure. Did they accept the verdict of Maulana Abul Kalam Azad and act in accordance with his advice?

Now, Sir, on the 11th January when my honourable friend Sardar Naunihal Singh Mann's resolution was under discussion, the honourable Sardar Kapoor Singh was pleased to admit that the recent agrarian enactments were highly beneficial and useful. When in the course of his speech an honourable member pointed out that they called them the Black Acts, he most emphatically repudiated that charge and held that they were rightly called the Golden Acts. Similarly Sardar Hari Singh also dwelt at large on those Acts and remarked that there was no one in the House who would disapprove of them. But these friends of the capitalist classes.....

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

Rao Pohop Singh : Sir, it is a fact that with the exception of certain agriculturist members of the Opposition all of them were absent at the time of the discussion of the resolution. However it was a matter of gratification that my honourable friend Lala Duni Chand for fear of Mrs. Duni Chand kept sitting in the House.

Lala Duni Chand : I rise to a point of order. In view of the latitude given to the honourable member the Chair is estopped from saying that he is not relevant. (Voices : Order, order.)

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

Rao Pohop Singh : Very well, Sir. I bow to your ruling and do not touch the matter that pinches them.

Sir, it is a fact that my honourable friends opposite are lacking in moral courage and cannot dare to offend the moneyed classes in the least. Had they been strong in character they would have come forward to champion the cause of the dumb-driven labourers by offering their fullest support to the present measure. But how can they withstand the displeasure of a class which in fact serves them as back bone? They know this perfectly well, but still they have the cheek to deny that the only object of the Honourable Chaudhri Sir Chhotu Ram in moving this measure is to ameliorate the conditions of a down-trodden and suffering humanity generally known as labour class and to saddle the millionaires of the province with a nominal extra financial burden. I fail to understand why they are labouring under this hopeless delusion that this gallant friend of the poor and under-fed people of the province would ever commit the folly of betraying them and joining hands with the plutocracy. I had every sympathy with my friend Dr. Narang when he made this touching remark that he would not probably live up to the time when people would begin to realize the evil effects of the present measure. May God grant him sufficiently long life to enable him

[Rao Pohop Singh.]

to see with his own eyes his capitalist brethren enjoying the fruit of this remarkable measure which is sure to prove a landmark in the history of the industrial development in the Punjab. Let me point out to him that the principle underlying the Bill is so laudable that sooner or later other provincial governments would reprove themselves as to why they did not take the time by the forelock and enact a similar measure in their respective provinces. Sir, the object of this Bill is twofold. If on the one hand it proposes to save the industrialists from the evils of cut-throat competitions, on the other hand it seeks to remove the possibilities of congestion of labour in certain industrial centres. I was really surprised to hear when certain honourable friends opposite objected to the Bill on the ground that the Honourable Chaudhri Sir Chhotu Ram had failed to insert therein provisions regarding housing arrangements for the poor labourers. In fact I fail to understand the mentality of these gentlemen. On the one hand they raise a hue and cry to the effect that the Bill seeks to impose registration fee which would be according to them an unnecessary financial burden on the poor millionaires and on the other hand they suggest that the factory owners should see that better housing arrangements are made for the benefit of the poor labourers. They lose sight of the fact that the present Bill, if accepted, would pave the way for healthy industrial development in the province and create a deep sense of security in the mind of the capitalists. Now the latter would most willingly run the risk of investing more capital on various industries because they would be sure that now no uneconomic competition would ever stare in their faces. Now they would have expert advice at their disposal as to where and when any industry should be started. I think my friends opposite are afraid lest Chaudhri Sir Chhotu Ram, the champion of the tillers of soil, should also become the saviour of the toilers in the factories. They fear lest this protector of the poor should also be regarded as the defender of the rich and wealthy people. And that is the real cause of all this hue and cry. Let me advise them that if they think that there is any room for improvement in the Bill they should come and sit on the select committee and place all their cards before it. I assure them that all their reasonable suggestions would be properly examined and incorporated in the Bill. They will be well advised not to withdraw their names from the select committee. With these words I whole-heartedly support the motion under discussion.

Honourable members : The question be now put.

Mr. Deputy Speaker : The following members have already taken part in the discussion from the side of the Opposition :—

Dr. Sir Gokul Chand Narang ;
Chaudhri Krishna Gopal Dutt ;
Mr. Dev Raj Sethi ;
Sardar Kartar Singh ;
Diwan Chaman Lal ; and
Munshi Hari Lal.

Several gentlemen from the Independent group too have taken part in the discussion. Therefore in the circumstances it is proper that I should put the motion.

Mian Abdul Aziz : I will obey your orders. It is not a question of opposition or otherwise. As a matter of fact I am not a member either of this Independent Party or of any other party. If you do not want me to have my say, I shall sit down. You have got every right to allow me to speak or not.

Mr. Deputy Speaker : The honourable member may have his say.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) : Sir, we have nothing to do with the question as to who has drafted the present measure and who has taken exception to its introduction. What we have to see is whether this Bill, if accepted, would be able to foster healthy industrial growth in the province or not. A number of speeches have been made in this connection but I think my honourable friends would excuse me if I venture to submit that most of them were nothing better than a welter of irrelevancies. I have great regard for my honourable friend Rao Pohop Singh. I have very carefully listened to his speech but I am sorry to say that it was quite irrelevant and wide of the mark. He, instead of throwing light on the provisions of the Bill, took to singing the praises of the present ministry and began to recount its achievements during the past 2½ years of its office. It was up to him to remove our doubts by clarifying the issue and tell us as to how this piece of legislation would prove beneficial to the industrialists as well as to the skilled labourers of the provinces. I may be allowed to mention here that a few days ago I gave notice of a question in which I asked the Government to state as to whether it had, ever since its inception, started any wholly or partly state-owned or state-managed industry in the province and if not whether it contemplated to do so in future. It was only yesterday that the Honourable Minister of Development vouchsafed me an answer to the question and finished the matter by saying a big 'No'. Now, Sir, in the light of that reply I feel obliged to say that a queer sort of situation is being created by the Government. On the one hand the Honourable Minister of Development says that the Government is not interested in setting up state-owned or state-managed industries in the province and on the other hand a Bill is being introduced for fettering and clogging the already slow progress of the industrial development. The present Bill so far as I have gathered contains great potentialities for mischief and I am afraid it would bang the door to further progress in this direction. The sting of the Bill lies in clause 3 and I most emphatically take objection to its insertion. It provides that no factory shall be worked or permitted to work by a manager or an occupier unless a registration certificate has been granted in respect thereof. And sub-clause (2) of clause 3 says that the registration certificate shall be in force for one year and it will be renewable annually. My reason for objecting to the clause is quite obvious. I think no man with a grain of sense in his head can brook the idea of leaving an industrialist worth millions to the sweet will of an ordinary official. I am not in favour of the nationalization of industries in the province with such restrictions, as I honestly hold that it would amount to administering poison to a man of robust health, though I am strongly in favour otherwise. I can say with full confidence that by entrusting the control and management of industries to the Government you would surely toll their death-knell. In this connection, with your permission, Sir, I would like to quote certain passages from the official report of the Unemployment Committee.

[Mian Abdul Aziz].

First of all I should like to draw your attention to page 7 of the Report of the Unemployment Committee. The heading of the paragraph No. 10 is 'The general causes of unemployment'. It reads thus—

At this stage it may be of advantage to examine in some detail certain general causes which have aggravated the problem of unemployment. Almost all witnesses have emphasised the unbalanced nature of our national economy, that is the increasing tendency towards ruralisation and poor growth of industrialisation as the main cause of unemployment. White and Shanahan in "The Industrial Revolution and the Economic World To-day" (1932) remark:—"Only in the non-industrialised, poverty-stricken countries of the East does the land hold and gain in population" and again "Non-industrialisation and poverty go together and excessive dependence on land is a phenomenon noticed only in the poverty-stricken countries of the East". Mr. Robertson Taylor, Chairman of the Punjab Chamber of Commerce, at an annual meeting of the Chamber remarked:—"India possesses in abundance all the conditions natural for a great industrial future..... Unless the country in the years to come can provide a wholly unprecedented industrial development, the level of subsistence of the country, which is now dangerously low, will become much worse."

I have quoted these lines for the perusal of the Honourable Minister who has toured the whole of India in the last quarter, and seen things in the other provinces with his own eyes and I ask him whether he is going to turn a blind eye to these facts which I have just quoted and whether he intends to prevent people from starting factories in this province. I go a bit further and draw your attention to the causes mentioned in the Report on account of which the industry did not progress in this country. One of the causes is that the English have always been standing in its way and putting obstacles to the industrialisation of the province. It is they who keep the powers in their hands. I should like to refer the Honourable Minister to the quotations given on pages 185 to 187 of the same Report. They are with regard to competitive private industrialisation and I do hope it would be made clear to the Honourable Minister that in India many other industries can also make progress and besides cultivation there are several industrial ways by which this country can prosper. The statement given by Mr. Montgomery Martin throws much light on this point. He has stated that in India it was the East India Company who had held all the powers of industrialisation in its hands and that was why the factories could not prosper under their reign. The reasons were: the heavy taxes on export and light taxes on the import of articles manufactured in England or Europe. At this moment when the Unionist Government is bent upon passing this Bill and the Opposition is opposing it tooth and nail, I think, I should enlighten the House by reading out a few lines from the statement made by Mr. Martin on page 187. In view of the statement which I am now going to read out it is up to the House to decide as to how far the Bill under consideration will be conducive or detrimental to the industrialisation of the province. The statement reads like this:—

We have during the period of a quarter of a century compelled the Indian territories to receive our manufactures, our woollens duty free, our cotton at 2½ per cent and other articles in proportion.

I would humbly request my honourable friend the Minister to kindly keep these words in view:—

While we have continued during that period to levy almost prohibitory duty or duties varying from 10 to 20, 30, 50, 100, 500 and 1,000 per cent upon articles we have produced from our territories (i.e. India). Therefore the cry that has taken place for free trade in India has been a free trade from this country, no a free trade for India and this country.

And he has further said:—

The decay and destruction of Surat, of Decca, of Murshidabad and other places where native manufactures have been carried on is too painful a fact to dwell upon. I do not consider that it has been in the fair course of trade; I think it has been the power of the stronger exercised over the weaker.

It is obvious from these lines that the industry in Decca and Murshidabad were considered to be one of the best industries of India. But the heavy taxes and the stringent terms and conditions brought them to ruin and destruction. I am, therefore, of the opinion that the factories in the Punjab will not be in a position to flourish on account of the stringent terms and conditions that have been provided by the Government in this Bill.

It is three years since they came into power. I think they could have easily started hundreds of factories in the province during that period. But instead of doing that they are out to check the progress of even private factories. Indeed it is very bad on the part of the Government. I admit that the Government have encouraged Home Industries to a certain extent. But there is still much that requires looking into. I quite understand that much has been said in words only by the Government in this respect. I wish it would not be empty words for mere show. I may remind the Government that I suggested to them on various occasions provision of money for industrial purposes in every budget. But it appears that such requests fall on deaf ears and are not complied with.

I may point out that under such hard and stringent conditions no capitalist or man with some money would dare to set up a factory in the Punjab. He would be very much afraid of parting with or investing money when he knows that he will have to get his certificate renewed year after year and will be at the mercy of some officials. This is in my opinion a positive discouragement, nay a prohibition, for the factory owners or those who wish to start factories. I hope the Honourable Minister will seriously take this matter into consideration. I am prepared to admit that if the Government so desire, they can ask the factory owners and starters to submit the plans, etc., of their factories before starting them to an expert appointed by the Government and if that expert gives his approval, the Government should not disallow the setting up of any factory or subject the man to obtain further licence. This will serve two purposes. In the first place the capitalists would not stand a chance of incurring any loss by investing their capital in factories. Secondly, the factory conditions would not become objectionable as are to be seen. But on the other hand if a capitalist establishes a factory and the Government, in view of certain conditions or considerations best known to themselves, do not renew his certificate, in that case the poor fellow would be ruined outright. In the circumstances it behoves the Government to take this matter into sober and serious consideration and not merely ignore it on the ground that it has been brought to their notice by members of the Opposition.

Besides, I wish to point out that the wording of clauses 5-A and 9-A (2) is such which require the urgent attention of the Government. In this connection I may point out that my honourable friend Rao Pohop Singh made a reference to a sugar factory which was to be opened in the Gurdaspore district. I do not know whether his statement is correct or that of Diwan Chaman Lall. But I think that one argument that was advanced by

[Mian Abdul Aziz.]

Diwan Chaman Lall appears to me to be correct. That is, because Dhariwal Mills is an European concern, therefore an Indian capitalist could not or was not allowed to open a factory near Dhariwal. It is a matter of great regret that, not to speak of starting any industry, they even discourage other enterprisers from starting factories here in this province. As a matter of fact it is our earnest desire that all our necessities of life should be produced in our own province. But so far our Government have not paid any attention to this matter. If the Government had tried to open one factory every year in every Division, in that case, in the space of three years, 15 big factories could have been started in the Punjab where different kinds of things could have been prepared. This scheme too if adhered would certainly have benefited this province. But it is a thousand pities that whenever we urge these things Government express their inability to adopt these suggestions on account of lack of funds which is a lame excuse. If the Government had acted in the manner referred to above and had opened two or three factories at Hissar, they would have benefited the people of that *ilaga* in these days of famine and permanently. After all they are our brethren and it is our duty to help them as well. But I am constrained to remark that if labourers from Hissar are brought to work on the Lahore sewerage scheme that is sheer injustice to the labourers of Lahore. By this I do not mean that the Government should not help the Hissar people. Let them to do so but not at the cost of others. This is merely an example showing how injustice can be done by Government. I think the same kind of treatment will be meted out to the factory owners who would have to get their certificates renewed year after year.

Mr. Deputy Speaker, I crave your indulgence for saying one or two things more. As has been pointed out by my honourable friend Diwan Chaman Lall, the total number of factories in the Punjab is 800. Out of it something like 886 are seasonal factories. This is a very small number and I think at present if not 1,000 at least 500 new factories should have been established in the Punjab. But how can it be done when as a matter of fact the people will have to take out licences for setting up factories and then will have to renew them year after year? This is a positive discouragement. No capitalist with his head on his shoulders would dare open a factory in the Punjab. If at all any one takes this step, where is the guarantee that the Government would not use its powers arbitrarily? I have already drawn the attention of the Honourable Minister to the Report of the Unemployment Committee and I beg to draw his attention to page 181 as well. I think he will very kindly read it. I may point out very briefly for his information that even Deputy Commissioners have expressed their opinions inasmuch as they say that the imposition of such restrictions would discourage the growth of industry in this province. I do not wish to take any more time of the House and I hope that the Honourable Minister will consider dispassionately the points raised by me.

In the end I may point out that it is a matter of great regret that whenever any measure comes up for discussion before this House, the question of rural and urban people is imported into the debate. I ask whether the urban people are not under the Punjab Government, and whether the rural people have more rights and whether the members who are representing the rural interests

here are as a matter of fact rural people. I may also assure my honourable friends that I am an agriculturist myself and I do desire that agriculturists should make progress in all walks of life and that they should get their due rights, but I request them not to bring this question of rural and urban people in every matter that comes up before the House for discussion. These factories may even be opened in big cities or in the rural areas but surely with raw material also labour will come from rural areas. Therefore, it behoves us not to look at this question from the point of view of a frog in the well, and think that they are being opened for the benefit of the urban people but consider from a broader point of view that they are being set up for the benefit of the province as a whole including the rural areas. In the circumstances, if the Government do not want to open factories themselves, let them encourage others to open them. The Bill as it stands does not go far enough and it behoves the Government to amend it in view of the observations made by me and other honourable members. With these words I resume my seat.

Mr. Deputy Speaker : The question is—

That the question be now put.

Lala Duni Chand : Before you put the closure motion I want to say one word. Under the rules you are not bound to put a closure motion. You can exercise your discretion. You should allow me to speak on the motion.

Mr. Deputy Speaker : There have been 9 speeches from the Opposition benches and only 4 speeches from the Treasury Benches.

Lala Duni Chand : It does not matter.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Lala Duni Chand : Sir, I rise on a point of personal explanation. I wanted to reply to my honourable friend Chaudhri Rao Pohop Singh. He made a personal reference to me and he has paid a left-hand compliment to my wife, which I accept on her behalf. (*Laughter*). I wanted to pay him a right-hand compliment, namely, that he represents the landlords constituency, which includes the biggest capitalists, and he has spited those whose salt he has eaten.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram (*Urdu*)) : Sir, so far nine honourable members from the Opposition and four from the ministerial benches have spoken on the motion now before the House. I am of the opinion that the matter was a simple one and so much time should not have been taken by my honourable friends to discuss it. But the thing is that when the honourable members opposite are bent upon opposing a certain motion, howsoever simple it may be, they consider it their bounden duty to take the maximum possible time for discussing it. I do not feel concerned at this state of affairs and I would try my level best to meet their criticism.

Now there are certain common objections which have been raised several of my honourable friends, while there are others which come from single member or two or three honourable members. The first and the foremost objection raised by these gentlemen was to the effect that the opinions

[Minister for Development.]

received from the public are mostly hostile. I may say in reply that either my honourable friends have not carefully read these opinions or if they have, they have not cared to place full facts before the House. Now I would like to prove the incorrectness of this criticism by presenting a precise analysis of these opinions. The report contains 137 opinions. Out of them one is by the Director of Industries. But as a matter of fact he has not expressed his personal opinion. He has merely prepared a summary of the opinions received from the various organisations and public bodies. Of the remaining 136, eleven organisations have refused to express any opinion about the Bill. There are 30 opinions which are wholly or partly hostile. Of the remaining 95 opinions, 29 fully accept the principle underlying the Bill but give only a partial support to its individual clauses inasmuch as they are opposed to certain clauses on grounds of their being harsh. But 66 opinions are completely favourable. I am sure that in view of these hard facts no person with any sense of fairness will have the hardihood to say that this measure has failed to enlist the support of the public.

Now the immediate question before the House is that of principle and not of details. If the House accepts the principle underlying this Bill, then the details or difference of opinion regarding individual clauses can be settled during the select committee stage. Those honourable members who want to effect any particular changes in the Bill will be welcome to attempt this by proposing their amendments in the select committee stage.

Lala Duni Chand : Are there the opinions of factory owners ?

Minister for Development : All sorts of opinions are contained in the report. For instance, opinions of municipal bodies, district boards, small town committees, notified area committees, Federation of Industries, Chamber of Commerce and individuals of outstanding position in the public, are all to be found in the report.

Now, Sir, the second objection that has been raised by my honourable friends is that no industrial development worth the name has taken place in the Punjab. It has been argued that when the province has been industrially at a standstill, what has made the Government to arrive at the conclusion that shortly a plethora of factories would spring up and evils resulting from uneconomic competition and congestion of labour in big cities would become manifest ?

Chaudhri Krishna Gopal Dutt : Nobody said that.

Minister for Development : Probably my honourable friend was comfortably taking his tea outside the House, when this argument was being advanced by honourable members opposite. I may tell him that I have been in my seat for the last four hours listening to all the speeches with close attention. Well, Sir, I was submitting that my honourable friends over there raised the objection that the evil of uneconomic competition could not result when there was no vestige of industrial development in the province. I may point out that although our province has not made as much progress in the field of industry as every well-wisher of the province would wish, yet none can gainsay the fact that it has made considerable progress in the realm of industry. In this connection the Opposition has sought to

condemn us in season and out of season suggesting that we have not moved our little finger in the matter of industrial development in the Punjab during the last 2½ years. But whenever we have brought forward any measure calculated to give a push to industry or for the regulation and better control of factories, their zeal and enthusiasm have vanished like mist before the Sun. Now in order to refute the argument that no industrial development worth the name has taken place, I would like to draw the attention of the House to two sets of figures about the industrial growth which has taken place in the province during the last two years.

Towards the end of 1936 the number of registered factories in this province was 802; by the end of 1938 it has gone up to 887. The number of labourers working in these factories for the corresponding period was 68,268 and 72,268 respectively. Now while my honourable friends opposite are at liberty to say that the progress made by industry during this period has not been sufficient to satisfy them, it would be absolutely incorrect to state that no progress whatsoever has been made. If unfortunately the war had not broken out in Europe progress would have been more marked. The outbreak of the war discouraged capitalists who thought that they would not be able to get the necessary machinery for setting up factories.

Mian Abdul Aziz : But the war did not start till the end of August, 1939.

Minister for Development : Yes, that is true but rumours of an impending war had been afloat for more than a year previous to it, and capitalists apprehended that they would not be able to get the necessary machinery if the war started and any capital invested by them would be ill-spent.

Mian Abdul Aziz : May I through you, Sir, put one question to the Honourable Minister? Now that the war has started, what is the danger confronting the Government which has necessitated the introduction of this Bill?

Lala Duni Chand : May I through you, Sir, put one question?

Mr. Deputy Speaker : Order please. One question has already been put. Let that question be answered and then you may put the next question.

Lala Duni Chand : He can answer both at one and the same time. How does the Government claim credit for this improvement? It is due to those who have invested their capital in different industries which you want to stop.

Minister for Development : Does the honourable member mean that when there is an increase in the number of industries the Government cannot claim credit for it, but when there is a decrease the Government must be saddled with discredit on that score? If the argument of my honourable friend is that the Government must be held responsible for any decrease he should be generous enough to let us take credit if there happens to be an increase in the number of factories.

My honourable friend Mian Abdul Aziz contends that while before the war started there was only a partial and uncertain danger, now that the war has started, the danger is certain and practical. Then what is the

[Minister for Development.]

justification for introducing this measure? If he had exerted a little patience I would have myself come to that point in due course, but now that he has put the question I will answer him at once by putting a counter question. Is it not better to prevent than to have to cure a disease? Similarly, would it not be better to control the haphazard and indiscriminate growth of factories with a view to eliminate unhealthy competition than to allow un-economic competition to get established and then to adopt measure for combating the evil? Is it sensible to wait until after mischief has been done?

Obviously there are two aspects of this question. One is to let the disease spread and then start the treatment and the other is to take preventive measures for warding off the disease. This Bill is a preventive measure for keeping off the disease which is working havoc in other provinces and is taking its toll to some extent even in this province. As my honourable friend Diwan Chaman Lal has admitted, there are at least three centres, viz., Chbeharta, Badami Bagh and Ludhiana, where congestion of labour has already taken place and unhealthy competition has started. It is in order to avoid such unhealthy competition and congestion of labour that Government has considered it advisable to introduce this measure. I have already stated that this evil is quite acute in certain centres in the United Provinces. Even here people have begun to complain that there is unhealthy competition in the steel-rolling industry in Lahore, that it is very difficult for all the concerns to run at a profit, and that it is high time that any further increase in their number should be prevented. In fact, I am told, that one of the concerns is in danger of collapsing. Now I take the case of sugar factories. Although there are not many such factories in our province, yet Abdullahpur sugar factory is complaining that they are unable to get locally full supply of some of sugarcane because the United Provinces factories buy a portion of the sugarcane grown on this side of the Jumna. The factory at Phagwara has expressed a feeling of nervousness on the close proximity of the rival factory started by a certain millionaire friend of Dr. Sir Gokul Chand Narang. It will be evident from the instances I have cited that whenever factories are set up unduly near one another unhealthy competition starts. This results in loss of capital and acts as a deterrent to further enterprise.

Many persons have told me that they are willing to open factories in the Punjab, but they are afraid lest others should be started close by and the capital invested by them should be endangered. Let me quote one undeniable instance to show that the danger is real. Honourable members are probably aware of the fate of the ginning factories in this province. There was a mushroom growth of these factories. Too many were started at a few centres. They lost heavily for lack of adequate work. They have now resorted to the system of 'pooling,' as a result of which the poor zamindar is receiving less for his cotton than he used to get formerly. This adds to the ravages which tricky balances inflict on the unsuspecting zamindar. On the other hand a large portion of the capital invested in these factories has gone to waste. Is this not all due to unhealthy competition, which resulted from uncontrolled and unregulated growth? It is to prevent the

6 p. m.

recurrence of such mistakes that the present Bill has been brought forward. The first object which this Bill has in view is to check haphazard growth and consequent unhealthy competition. Some of the honourable members were pleased to ask as to what this Government has done for the industrial development of the province during the last 2½ years of its existence.

Pandit Bhagat Ram Sharma : And it is a very pertinent question.

Minister for Development : Quite so ; and here is an equally pertinent reply. Sir, I will refer only to three achievements of the Government which, in my opinion, should suffice to convince any fair-minded person that our record in this respect is quite satisfactory. First of all, it is admitted on all hands that research is the very foundation of industrial progress and that there can be no development without it. Now I would submit that the Punjab is the first province to start a Research Fund. No other Government has established such a fund, and this is the step on which even the Opposition should congratulate the Government.

Lala Duni Chand : May I ask a question through you ? Is it not a fact that 5 lakhs of rupees have been given by certain mill-owners for the purpose of research work and that amount is not being properly utilized by the Government ?

Minister : Not at all. No private person has given a single penny to the Government for this fund.

Lala Duni Chand : Do you know how much money has been given for the University Laboratory ?

Mr. Deputy Speaker : Order, order. The Honourable Minister has not given way.

Minister : If my honourable friends interrupt me at every step, it will not be possible for me to place true facts before you. Now the second achievement of the Government to which I want to draw your attention is that we have started an industrial survey of the province. Here again the Punjab gave a lead to other provinces. We were the first to urge at the All-India Industrial Conference that if they wanted industrial development they must undertake an industrial survey of the country. Not only that. We have actually taken in hand the industrial survey of our province which will be carried on district-wise and also industry-wise.

Chaudhri Krishna Gopal Dutt : Who gave you this idea ?

Minister : If the honourable member wants to insinuate that this idea has been borrowed from the Congress, he is wrong. But even if it were, is there anything wrong about borrowing ? (*Hear, hear.*) Moreover, we zamindars are confirmed borrowers. (*Laughter.*) The real credit lies in the fact that we have taken action on this idea, no matter whether the idea was original or borrowed.

Diwan Chaman Lall : May I ask who suggested the National Planning Committee ?

Minister : We had started the work of industrial survey before the National Planning Committee came into existence.

Diwan Chaman Lall : When did you start ?

Minister for Development : The provision for this item was first made in the Budget for 1938-39, but the idea had been there already. It had been under active consideration right from 1937.

Diwan Chaman Lall : Any reasonable Government calling itself civilised would have the facts at its fingers' ends and would not wait for any industrial survey.

Minister : The honourable member thinks that every Government should have information of all sorts at its fingers' ends. Well, Sir, it may be possible for a Congress Government to do so; we have not found it possible.

Diwan Chaman Lall : May I interrupt my honourable friend? He does not know what National Planning is meant for.

Chaudhri Krishna Gopal Dutt : May I correct the Honourable Minister? The idea of research was first suggested by the Opposition and not by the Government.

Minister : That is not correct.

Chaudhri Krishna Gopal Dutt : I will show you from the Debates. Before it was established it was suggested by one of the members of the Congress party.

Minister : Very well, then you should at least give us credit for accepting your suggestion, although I still maintain that the idea was there even before my honourable friend took his seat in this House.

Chaudhri Krishna Gopal Dutt : It was I who suggested this idea. Do not say the Congress did not suggest it. I will show you my speech.

Mr. Deputy Speaker : The honourable member should not interrupt in this way.

Chaudhri Krishna Gopal Dutt : I do not want to interrupt the Minister. I only wanted to correct him. (*Interruption.*)

Minister : What a wonderful display of patience and non-violence!

Our third achievement is the establishment of a Provincial Stores Purchase Department. It is essential for the industrial development of the province to ensure a local market for the goods which it produces. For that purpose it should have its own Stores Purchase Department so that it may not have to depend on that department of the Central Government. Now your Government has established this department too. I am sorry my honourable friend, Dr. Sir Gokul Chand Narang, is not present in the House. He is a great expert in the art of hurling accusations at the Government but is lacking in the courage to hear the other side. He had the audacity to call us the hirelings of "White Masters," and posed as being an embodiment of independence himself. But he was in charge of the Department of Industries for well nigh 7½ years and I would request his friends who are present here to question him as to who was his master during that period. In our part of the province a period of 7½ inauspicious years is called a *sarhsati* (*Laughter*). His term was a veritable *Sarhsati* for the province. May I enquire as to what he did for the establishment of a Stores Purchase Department during his term of office? He failed to achieve anything because he had not the courage to make a bold stand against his masters, whether dark or white. The idea of taking the step, suggested by Diwan

Chaman Lall could never enter his head. Consequently he could not force the hands of his masters to establish a Stores Purchase Department. Anyway, Sir, I would request my honourable friends not to shut their eyes to these three outstanding achievements of the present Government which are sure to prove highly beneficial to the industrial progress of this province.

Now I come to some other points raised by certain other honourable members. One argument repeated with great relish is that this Government has lost the confidence of the people and therefore no one will be prepared to risk his capital by starting a factory in this province. This argument when contrasted with some of their other utterances reminds me of a well-known saying which I will not repeat here lest I should give offence. But I would invite your attention to one of their usual complaints. They are always grumbling that howsoever cogent their arguments may be they are helpless in the presence of the overwhelming majority at the command of the Government. Now, may I ask how they reconcile this grouse of theirs with the assertion that the Government does not possess the confidence of the people? Is not this overwhelming majority conclusive evidence that the present Government enjoys the confidence of a vast majority of the people? It may be said that this majority was the result of general elections and this Government has lost the peoples' confidence since. But what does the result of the various bye-elections suggest? In the two Amritsar city bye-elections it was the ministerialist candidate who succeeded. In the second bye-election even such an august person as the President of the Provincial Congress Committee sustained a crushing defeat at the hands of our candidate. Is that not a proof of the confidence of the public of Amritsar in the present Government?

Diwan Chaman Lall : The Opposition polled more votes for their candidates.

Minister for Development : I wish they would give me a patient hearing as I always give them.

Sardar Sahib Sardar Santokh Singh : Is this speech relevant to the motion? (*Interruption.*)

Mr. Deputy Speaker : The Honourable Minister is relevant if he is replying to certain speeches made from that side.

Diwan Chaman Lall : I rise on a point of order. My point of order is this that there is no rule of this House that even if you through negligence have not called an honourable member to order for being irrelevant, another honourable member should be irrelevant. Nor have I heard during the course of the debate any reference to the Amritsar bye-election. It may be an electioneering speech by my honourable friend when we are discussing a Bill. I ask you to exercise your right and prevent the debate from degenerating into a public meeting.

Mr. Deputy Speaker : Relevancy is an elastic term; and so far as the rules of debate are concerned if certain things are held to be relevant on one side then the other side has a right to reply. (*Interruption.*)

Diwan Chaman Lall : I ask you to tell this House whether any honourable member has referred to the Amritsar bye-elections. My honourable friend having moved a closure motion is now winding up the debate by

[Diwan Chaman Lal.]

referring to matters to which we have not referred; and if that is the tenor of the debate in future we shall also refer to such matters anticipating my honourable friend in the matter of making electioneering speeches.

Mr. Deputy Speaker : I have not as yet held that any member from this side has said this. It is impossible for me to say that because I was not presiding throughout the proceedings.

Minister for Development : Sir, if the honourable members allow me to proceed I shall show that my remarks are absolutely relevant. Our opponents repeatedly argued that they were opposing this Bill because the Government did not enjoy the confidence of the public. I have already urged that the overwhelming majority at the command of the Government is conclusive proof of the fact that the Government enjoys that confidence. Then, if it is suggested that the Government has lost the confidence of the public on account of what they have done after the general elections, I am perfectly within my rights to draw their attention to the two bye-elections from Amritsar where their candidates sustained a crushing defeat each time.

Diwan Chaman Lal : I do not want to take any more time of my honourable friend, but is he aware of the fact that out of six Hindu and Sikh seats in the bye-elections, each one of these has been captured by the Opposition, and is he further aware of the fact that during the last Amritsar bye-election the Opposition candidates polled more votes than the Unionist candidate?

Minister : Let my honourable friend exercise a little patience. I will reply to every point raised by him. Then look at the results of the two bye-elections from Multan where again the Opposition candidates were defeated each time. Is that not an incontestable proof of the fact that South-Western Punjab has the fullest confidence in the Government? Then again it was the candidate of this party and not of the Opposition who was successful in the Muzaffargarh bye-election.

Diwan Chaman Lal : Not your party but the Muslim League Party.

Mr. Deputy Speaker : I would request the Honourable Minister to speak to the motion.

Minister : I am speaking to the motion. The honourable members base their opposition to the Bill on the fact that the public has no confidence in this Government. I am stating facts which go to show conclusively and incontestably that the public has full faith in this Government. (*Interruption*).

Mr. Deputy Speaker : There should be no interruptions. (*Interruption*).

Mr. Deputy Speaker : I would request the honourable members not to indulge in conversation.

Pandit Bhagat Ram Sharma : You have ruled that the Honourable Minister is not speaking to the motion but he still persists in not speaking to the motion.

Chaudhri Krishna Gopal Dutt : Did you not ask the Minister to speak to the motion?

Diwan Chaman Lal : May I ask whether it is not a fact that Sardar Teja Singh, Mr. Dev Raj Sethi, Chaudhri Sahib Ram, Sardar Baldev Singh,

Sardar Krishan Singh and Dr. Satya Pal were all elected in bye-elections and all belong to the Opposition and none of the candidates of my honourable friend's party could be elected? (*Interruptions*). Lala Sham Lal has been elected to the Central Assembly without any opposition.

Minister for Development : Again it has been stated that the Unionist candidates were defeated in two bye-elections from Hindu and Sikh constituencies.

Diwan Chaman Lall : There have been six bye-elections and not two in the Sikh and Hindu constituencies. And all the six seats have been captured by the Opposition. Moreover, in the recent bye-election to the Central Assembly the Congress candidate has been returned unopposed.

Minister : In other elections the contest was between candidates of the various groups of the Opposition. But I have more evidence to support my claim. Bhai Fateh Jang Singh was elected in a bye-election by a large majority of votes. Besides when Raja Narendra Nath vacated his seat to which he had been returned by the Hindus, Muslims and Sikhs scattered over nearly one-half of the province it was contested by a gentleman who had the support of the Ahrars, the Hindu Sabha, the Akalis and the Congress. But, as everybody knows, he was defeated by a Unionist, Rao Pohop Singh—whose very sight strikes terror into the hearts of the Opposition. The difficulty is that the honourable members sitting opposite have neither the courtesy, nor the patience, nor the decency to hear their opponents. How the Congress is discredited by the ways of its own followers is being demonstrated here and now. It is very curious, very distressing, that those who claim to be the torch-bearers of "truth and non-violence" trample those sacred rules of conduct under foot. Those who are expected to be non-violent in thought, word and deed are incapable of patience and intolerant of a word from this side of the House. My friends who are violating the principle of non-violence are welcome to do so. (*Interruptions*.) I pity a party whose members, nay even leaders and deputy leaders, are so sadly lacking in patience and self-control as to refuse to hear the voice of truth from this side of the House.

Now to resume the thread of my argument I make bold to say that other provinces have such a full confidence in the credit and the stability of this province that they have not hesitated to declare that the Punjab is the most suitable province where factories can be started.

Chaudhri Krishna Gopal Dutt : It would have been announced by Mr. Jinnah.

Minister : Let us now give up this unseemly war of words and attend to facts which are more important. When the announcement of raising a loan was made by this Government, applications for 2 crore and 80 lakhs of rupees were received within 90 minutes. (*Cheers from the Government benches*.) This shows clearly that people have full confidence in this Government. I may also be permitted to point out that one or two Congress provinces tried to secure loans but they failed in their object. Does this fact not go to show that this Government enjoys the confidence of the public more than Congress governments? Yesterday, Dr. Narang

[Minister for Development].

made a complaint that a friend of his tried his best to start a factory in the Gurdaspur district and was prepared to invest no less than 20 lakhs of rupees in it, but did not receive any encouragement from this Government. May I ask my honourable friend, Dr. Narang, whether his friend had confidence in the Punjab Government or not? If he was going to invest 20 lakhs of rupees in a factory in the Punjab, does it not show that he had full confidence in the Punjab Government? My submission, therefore, is that all the capitalists of the province have full confidence in this Government provided they are not members of the Opposition.

Chaudhri Krishna Gopal Dutt : What about your own Revenue Minister?

Minister for Development : The Honourable Minister of Revenue is a *Tulagadar* of the United Provinces. He started his factories there, not because he had no confidence in the Punjab Government but because as a *Tulagadar* of that province it was convenient for him to start factories there. He could grow a large portion of his requirements of sugarcane on his own lands. Secondly, those factories were started ten years ago when the present government was not in existence. (*Interruptions.*) Even non-agriculturist capitalists of whom I am wrongly supposed to be an enemy are prepared to invest money in starting new concerns in this province.

Pandit Bhagat Ram Sharma : May I know which Congress Government has not been in a position to raise loans?

Minister : Need I say anything? The honourable member may ask Diwan Chaman Lall.

Diwan Chaman Lall : Since an appeal has been made to me let me assure my honourable friend that I do not know the name of any Congress Government which has not been able to raise a loan.

Minister : The United Provinces Government has not been able to raise a loan.

Diwan Chaman Lall : When?

Minister : Recently. I am surprised that the honourable member does not know.

Diwan Chaman Lall : Impossible.

Minister : There is yet another proof in regard to the capitalists' confidence in this Government. A textile mill with a total investment of about 40 or 50 lakhs was started at Lyallpur not long ago.

Mian Muhammad Nurullah : No, it is incorrect. This mill was not started in your time.

Minister : Now I should like to reply, individually, to the speeches made by the honourable members opposite.

Chaudhri Krishna Gopal Dutt : Have a glass of water and then proceed.

Minister : May I suggest to the honourable member that it is his friends of the Congress who are in the habit of abusing others after taking a glass of water? (*Interruptions.*)

Sir, I think that it would not be surprising if Dr. Sir Gokul Chand Narang who has no direct affiliation with the Congress Party sometimes gets excited and indulges in wild talk, but if a leading member of the Congress Party, nay its Deputy Leader, takes up an attitude which smacks of vulgarity or violence, I should be greatly pained at it. (*A voice: You have too good an opinion about the members of the Congress Party.*) May I suggest that the tone adopted by my honourable friend, Diwan Chaman Lal, or the violence with which he opened this speech, will hardly befit even the country folk like ourselves? He is very highly educated and can if he pleases, speak in very refined and polite language. He was born and brought up in a town and ought to show greater urbanity in manner and speech. Nevertheless his tone will not do credit even to rustics like ourselves. What could be more regrettable than the violence of his manner and vulgar bitterness of his speech? He has spared neither the members of the Unionist Party, nor Ministers, nor members of permanent services carrying on the administration. He has indulged freely in accusations of "jobbery, nepotism and corruption". There is no need on my part to answer these accusations, but I may point out that yesterday the Honourable Premier fully explained the steps which were being taken by the Government to root out corruption. But if any honourable member has still any illusion left in his mind, he is quite welcome to present his case against any department. I assure my honourable friends that the case will receive close and immediate attention. This Government is not prepared to spare any dishonest official. If any gentleman is prepared to adduce proofs of corruption against any official of my departments, I shall be grateful for the information and will take the matter in hand at once. Let me tell the Honourable House, especially the honourable members of the Opposition, that I convened meetings of all the officials of my departments, not in one district, but in seven or eight districts, and told them plainly that no quarter would be given to any dishonest official of the Crown and, further, that if any Government official evinced the slightest trace of communalism in the exercise of his authority or in the discharge of his official duty, he would receive no mercy at the hands of the Government. I have already deprived two officials on this very account of what they would otherwise have been entitled to. I have told them that they shall get no grade promotion or increment in no uncertain terms until they clear themselves of the charge of communalism. I shall be quite glad to investigate any other case if it is brought to my notice. I shall feel actually grateful to any gentleman who will help me in discovering officials who are given to receiving illegal gratifications or who are guilty of communal bias in the discharge of their public functions and duties.

May I, Sir, now turn my attention to my honourable friend Chaudhri Krishna Gopal Dutt? By appearance he is a perfect gentleman—a gentleman par excellence. His pleasant exterior can never suggest that it conceals under it a highly bitter interior. The other day when he addressed the House he poured forth such poison right and left. He accused me of being in the habit of delivering poisonous speeches wherever I went. I categorically deny this charge. In this connection I ask my honourable Congress friends to send two or three responsible persons to any of the meetings which I address quite frequently in the countryside. I promise that I will

[Minister for Development].

speak in their presence exactly in the same tone and manner in which I ordinarily deliver my speeches in the public. Let them hear me and judge the nature of my speech. I am prepared to accept their verdict. If they declare that the tone or manner of my speech is what my opponents suggest I promise to bring about a change in my manner and tone. But I would ask them not to draw wrong conclusions from the distorted reports of my speeches made in the press. I have time and again declared that I am not an enemy of any individual, class or community. What I detest most and of which I am a sworn enemy, is dishonesty. I cannot tolerate it whether it is found among jats or non-jats.

While on this subject, I may also assure my honourable friends that while taking stringent measures to eradicate corruption and dishonesty from government departments, Government have always taken good care not to deprive any honest person of his just rights. I would also invite Chaudhri Krishna Gopal Dutt to attend any meeting which I happen to address and personally ascertain whether he is justified in hurling his accusations at me. If he is convinced that I really make venomous speeches, I will henceforth leave off speaking in that manner.

Now I should like to reply to the charges made by my honourable friend Dr. Sir Gokul Chand Narang. He remarked that a millionaire friend of his wanted to start a sugar factory at Sohal in the Gurdaspur district. He said that his friend intended to invest 20 lakhs of rupees in that venture to the great benefit of the poor zamindars. But I may be permitted to inform my honourable friend that he has been very reckless in suggesting that Government refused him permission to start that factory and that eventually he had to abandon the scheme as a result of the attitude of Government. I may tell the honourable members that this charge is wholly unfounded. The question of permission for the starting of a factory does not arise at all because under the present law everybody is at liberty to start any business and establish any factory at any place he likes, although after the enactment of this Bill it would become incumbent upon industrialists to seek permission of Government and obtain a licence for starting a new factory. Well, Sir, the facts in brief are that that gentleman had no land of his own for establishing the sugar factory in question. He wanted to buy it from the zamindars. He saw me in this connection and I assured him that I would be glad to render him any reasonable assistance that lay in my power. Then he approached me through certain influential persons. I repeated the same assurance to them. But subsequently I heard nothing of him. He disappeared from the scene. I am not aware of the reasons which led him to abandon his intention. If my honourable friend, Dr. Narang is in possession of full facts, he was in a position to disclose them. But as he is absent from the House, Chaudhri Ali Akbar who hails from Gurdaspur district and Risaldar Ajit Singh who saw me on his behalf can throw more light on this matter. However, I may assure my honourable friends opposite that Government have absolutely no information as to why that person gave up the idea of starting that sugar factory.

Dr. Sir Gokul Chand Narang also stated that many factories at Gujranwala, Talwandi, and other places had ceased to function. But I cannot understand why we should be held responsible for the sins of others. It was during my honourable friend's regime that those factories had to close their doors, not in our time.

Pandit Bhagat Ram Sharma : There has been hailstorm twice.

Minister for Development : Precisely, but that was presumably because some newly shorn person from Kangra happened to visit Multan and drew forth the ire of the god of hailstorm.

Again, the honourable Dr. Sir Gokul Chand Narang has accused me of preaching that there is a conflict between industrial and agricultural interests. I repudiate this charge with all the emphasis at my command. The charge is totally unfounded. I have declared more than once that the salvation of the zamindars which I long for earnestly lies in the inauguration of an era of industrial development in the province. I declared at a public meeting held at Kasur, which was attended by no less than 85,000 people, that I was and am still prepared to assist any industrial enterprise started by non-zamindars. I am prepared to advance loans to them and help them in any other reasonable manner because I firmly believe that the secret of the improvement of the zamindar's lot lies in the industrial development of the province.

My honourable friend, Diwan Chaman Lall, was pleased to remark that the Minister of Development who did not take up economics in his college days is too old a parrot to be instructed in economics now. I admit that I am an old parrot, but the old parrot is still capable of teaching the young myna. (*Laughter*). I am not so obtuse as not to be able to understand the simple fact that if the sugarcane of the zamindar is purchased by factory owners he would get a much better price than if he used his cane for making gur or that if cotton is utilized for the manufacture of cloth in our own province it will prove a source of profit to the zamindar. If instead of being exported, cotton is turned into cloth locally, it will help in the general industrialisation of the province and the zamindar, in spite of the loss which he has to suffer on account of defective scales, will be a definite gainer both as a producer of cotton and as a consumer of cloth. Further, it is my earnest desire that the votaries of the European ways of living for whom foreign made articles of food, such as barley, biscuits, "force", etc., are being imported should be able to get all these things in their own province and help in raising the prices of agricultural produce. Do these rustic notions of mine not indicate a belief in agriculture and industry? Although not an expert economist, I have a clear enough vision to realise that they are interdependent, and that it will be more beneficial to all concerned if both of them flourish side by side. So Dr. Narang's accusation is a crude production of his own imagination.

Another objection raised by certain honourable members is that this measure will check the growth of factories in the province. My submission is that this measure will encourage that growth. It has been brought forward with three objects in view. First of all it is intended to check unhealthy competition which is always detrimental to the interests of industry as well as of factory owners. Our second object is to avoid congestion of labour so that workers may not be compelled to live in slums where they cannot get even sufficient air and light. You know, Sir, that land in big cities is very dear and, therefore, if there is congestion of labour in a few big cities, factory owners cannot be expected to provide better houses and other amenities of life to their workers inasmuch as large sums are swallowed up by the purchase of the

[Minister for Development].

sites. On the other hand if factories are suitably distributed all over the province, covering convenient centres, big and small, factory owners will be able to supply, with the same amount of money, better houses and more amenities of life to their workers. There is another danger which the Government seeks to eliminate. It is the common experience of us all that if a certain factory at a certain place is found to be running at some profit other people will rush to start the same business at the same place, with the result that unhealthy competition comes into play with various undesirable and even disastrous consequences. Jealousy between factory and factory, attempts at undermining the loyalty of labour in rival factories, decoying of labour, instigated strikes and several other labour problems crop up in their ugliest forms. Unhealthy competition results in lower prices, lower qualities, diminished prosperity and consequently lower wages and insanitary as well as inadequate housing accommodation. Government desire to take necessary powers to prevent these evils.

The third object of this measure is to get some money from capitalist classes for the provincial exchequer. I fail to understand what objection my honourable friends opposite can have to this, unless they are determined to object to everything as an article of their political creed. In this connection their main objection is that the Government will charge licence fee not only once, but every year because it is provided in the Bill that the licence will be renewable annually. Now this is where the shoe really pinches. Their real objection is to the licence fee. But may I submit that this fee must be charged, because the Government cannot go on meeting the expenditure of the Inspectorate out of the revenues from other sources? Those revenues are required for other schemes of public good.

The Opposition has brought another serious charge against the Government. It is that the Government wants by means of this measure to bring mills and factories under its thumb in order to control the votes of mill-owners and workers. I must admit, Sir, that it is not possible for me to rid their imagination of such nightmares. If they insist on trying to destroy a ghost which does not exist I cannot help, because, as it is said,

وہم کی دارو نقان کے پاس ہے یہی نہیں

Before I close I would like to draw your attention to one, or two other points. It is often said by our opponents here as well as in meetings held in the country-side that the days of this Government are numbered and that its downfall is imminent. Now if my honourable friends are so confident of our downfall that they are going to overthrow this Government in a few days or in a few months and believe that this measure can be used to control so many votes, they should welcome the idea of the present Government incurring the displeasure of factory owners by passing this Bill. According to their claim they will be adorning the Treasury benches in a few months' time; they will then be in a position to use it to their advantage.

Lastly, it has also been declared by my honourable friend Chaudhri Krishna Gopal Dutt with his usual vehemence, and by Diwan Chaman Lall in a more restrained tone that as Congressmen they are not against nationalisation of industry and that they would be only too glad to see all the factories being run by Government or controlled by it. But after making that declaration they again turned to their usual tactics and said that they were opposing this measure in the interest of the workers

and the industrial progress of the province. I do not intend to dilate any further on the real cause of opposition offered to this Bill by my friends opposite. Rao Pohop Singh has already hinted at it. The non-zamindar members of the Congress party are always very loud in their professions of sympathy with poor labourers, but in actual practice they strongly oppose any measure which may be to the advantage of labour if it is at all likely to touch the pockets of big capitalists. The reason for this is not far to seek. Being the representatives of moneyed classes they cannot afford to displease the capitalists on whose votes they depend for their very existence.

Chaudhri Krishna Gopal Dutt : Now, whose mind is full of venom ?

Minister for Development : There is nothing venomous in these remarks. I am only making a mild reply to the extremely harsh remarks made by the Opposition.

Chaudhri Krishna Gopal Dutt : Very well, go on. But do not complain if we pay you in your own coin in future.

Minister : Am I advancing these coins ? No. They are merely partial repayments of interest on what was advanced by the Opposition. Let us not forget that I am only replying to the various points raised by my friends opposite. I want them to desist from opposing this measure which is brought forward for the good of poor workers and labourers. If they think that any amendment or modification is necessary, I shall be too glad to consider their proposals on their merits and will try my level best to accommodate them during the select committee if they agree to serve on it. Even now I request them with folded hands to accept my invitation to serve on the select committee and thus co-operate with us in effecting necessary modifications and improvements in the Bill. (*Cheers*).

Mr. Deputy Speaker : The question is—

That the Factories (Punjab Amendment) Bill be referred to a select committee consisting of—

Sir William Roberts ;
Seth Kiashen Das ;
Chaudhri Muhammad Ashraf ;
Rai Faiz Muhammad,
Sardar Inder Singh ;
Chaudhri Abdul Rahim (Gurgaon) ;
Rai Bhagwant Singh ;
Chaudhri Ranpet Singh ;
Rai Sahib Sohan Lal ; and
that the quorum shall be five.

The Assembly divided : Ayes 51 ; Noes 28.

AYES.

Abdul Haye, The Honourable Mian.
Abdul Rahim Chaudhri (Gurdas-
pur).
Atsai Ali Hasnie, Sayed.

Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.

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.
 Fazal Karim Bakhsh, Mian.
 Few, Mr. E.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Ghulam Samad, Khan Sahib Khawaja.
 Hans Raj, Bhagat.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan, Tiwana, The Honourable Major Nawabzada Malik.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarik Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib
 Muhammad Azam Khan, Sardar.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon, Nawab Malik Sir.

Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.
 Harjab Singh, Sardar.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.

Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Naunihal Singh Mann, Lieutenant Sardar.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 Shah Nawaz, Mrs. J. A.
 Singha, Diwan Bahadur S. P.
 Sunder Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.
 Ujjal Singh, Sardar Bahadur Sardar.

NOES.

Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Hassan, Chaudhri.
 Muhammad Nurullah, Mian.
 Mukand Lal Puri, Rai Bahadur Mr.
 Muni Lal Kalra, Pandit.
 Partab Singh, Sardar.
 Rur Singh, Sardar.
 Sahib Ram, Chaudhri.
 Santokh Singh, Sardar Sahib Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

The Assembly then adjourned till 12 noon, on Monday the 5th February, 1940.

PUNJAB LEGISLATIVE ASSEMBLY

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 5th February, 1940.

The Assembly met in the Assembly Chamber at 12 noon of the clock. As there was no quorum the Assembly adjourned for ten minutes and re-assembled at 12-10 p. m. Mr. Speaker in the chair.

STARRED QUESTIONS AND ANSWERS.

NOTIFIED AREA COMMITTEE, CHICHAWATNI.

***5858. Sardar Sohan Singh Josh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether a deputation on behalf of the residents of Chichawatni town in the Montgomery district waited upon him on 8th July, 1937, at Simla and submitted a memorial to him praying that the Notified Area Committee, Chichawatni, be raised to the status of a municipal committee ;
- (b) whether the above memorial along with other previous representations making the same prayer was sent down to the officers concerned for reports ; if so, what report has been made by those officers ;
- (c) whether the residents of the said town submitted to him another memorial containing the same request on 1st March, 1939 ;
- (d) whether he is aware of the fact that a political conference held at Chichawatni on 16th September, 1939, also passed a resolution urging upon the Government to raise the present Notified Area Committee to the status of an elected municipality ; if so, action taken or intended to be taken in the matter ?

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

(b) The representation referred to in part (a) of the question was not sent to local officers as another similar representation had already been forwarded to them for report. It is against the policy of Government to disclose the recommendations made by their subordinate officers.

(c) Yes.

(d) The answer to the first part is in the affirmative. It has been decided to make no change.

Mian Sultan Mahmud Hotiana : May I know from the Parliamentary Secretary the reasons for not declaring the Notified Area Committee, Chichawatni, a municipal committee when as a matter of fact there are such municipal committees in the Punjab whose population and income is less than that of the said Notified Area Committee ?

Parliamentary Secretary : The financial position of this Notified Area Committee is not good and Government do not want to increase the number of such municipal committees whose financial position is bad.

Sardar Sohan Singh Josh : Is there any other reason why the said Notified Area Committee has not been declared a municipal committee ?

Parliamentary Secretary : The only reason why Chichawatni Notified Area Committee has not been declared a municipal committee is the bad condition of its finances. As soon as it improves, the Government will have no hesitation in declaring it a municipal committee.

Sardar Sohan Singh Josh : Does the Parliamentary Secretary know how much money Government owes to this Notified Area Committee ?

Parliamentary Secretary : This is an entirely new question. I require notice for it.

Lala Duni Chand : May I know why the Local Self-Government has failed in so many cases as have been admitted by the Parliamentary Secretary ?

Parliamentary Secretary : I have not admitted anything.

Lala Duni Chand : May I know, in view of the admission of the Parliamentary Secretary, if the condition of municipal committees is deplorable and therefore he does not want to add to the number of municipal committees ?

Parliamentary Secretary : I have admitted nothing. I have said that there are some small places where municipal committees have been established, but unfortunately against the expectation of the Government, the financial condition of those small municipalities is not good. So, it is not the intention of the Government to add to the number of such committees.

Sardar Sohan Singh Josh : Is the Parliamentary Secretary aware of the fact that Mian Channu Municipal Committee's income as well as population is less than that of the Notified Area Committee, Chichawatni ?

Parliamentary Secretary : I require notice for it.

Sardar Ajit Singh : Is it a fact that Rs. 1½ lakhs belonging to the Notified Area Committee, Chichawatni, are still with the Government? If so, has the Government ascertained whether the said notified area committee does not need it ?

Parliamentary Secretary : I require notice for the question.

Sardar Ajit Singh : If it proves to be correct—

Mr. Speaker : Hypothetical question. Disallowed.

Munshi Hari Lal : Is it not a fact that the deplorable condition of the municipalities is due to the consistent interference of the authorities with the administration of those municipalities ?

Parliamentary Secretary : There is no question of interference. The financial condition is deplorable and this is due to the reluctance of the elected members to levy tax.

Pandit Shri Ram Sharma : May I know the financial position of the said Notified Area Committee at present ?

Parliamentary Secretary : I cannot say offhand.

REFUSAL OF POLICE TO RETURN REGISTER TO KHERA RAM
RAKHA MAL OF HOSHIARPUR.

*5861. **Sardar Harjab Singh** : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Hoshiarpur police refused to grant the request of Ram Rakha Mal Khara made by him for the return of the register of proceedings of the Congress Socialist Party of Hoshiarpur which was removed and taken possession of by the police after making a search of the house of the said Ram Rakha Mal Khara on 11th November, 1939; if so, the reasons therefor?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : No. He was told that a Magistrate's order would be obtained for the return of the register.

Sardar Hari Singh : On a point of order. May I know if the honourable member who has answered this question has been appointed by the Honourable Premier to do so? Can a Parliamentary Private Secretary answer a question?

Mr. Speaker : A minister can delegate his powers to anyone. The definition of 'Minister' is very comprehensive. It says :

"Minister" means a member of the Council of Ministers, and includes any member to whom such Minister may delegate any function assigned to him under these rules.

Sardar Hari Singh : Even a member of the Opposition?

Mr. Speaker : Yes, if he agrees to act as a delegate.

Diwan Chaman Lall : Minister means what?

Mr. Speaker : Minister means a member of the Council of Ministers, and includes any member—

Diwan Chaman Lall : Any member of the Council of Ministers.

Mr. Speaker : No. Any member of the Assembly.

Mr. Dev Raj Sethi : Can the Parliamentary Private Secretary speak from a seat other than his own?

REALIZATION OF FINE IMPOSED ON PEOPLE OF MAHILPUR,
DISTRICT HOSHIARPUR.

*5862. **Sardar Harjab Singh** : Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that some persons belonging to the village Mahilpur, tahsil Garhshankar, district Hoshiarpur, were fined in 1937 by the village committee appointed by the deputy commissioner of the district under the Patrol Act and that the fine was realized from them;

(b) if the answer to the above be in the affirmative, whether it is a fact that the amount so collected has not so far been either utilised for village purposes or deposited in the village local fund as provided in the said Act; and if so, the reasons therefor?

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

(b) The amount is still in the Government treasury as a revenue deposit. After consulting the members of the former committee through their President, it was decided by the Deputy Commissioner on the 24th May, 1939, that the money should be spent on repairs to village roads and drains.

Section 9 (4) of the Act enjoins that fines imposed and recovered under the section shall be expended in such manner as the village panchayat may determine, but there is no direction for them to be credited to any local fund.

Sardar Hari Singh : May I ask the Parliamentary Secretary to state the reason why this amount of money has not been spent for the purpose for which it was meant for the last 3 years ? Will the Government pay the interest on this money to the villagers ?

Parliamentary Secretary : There is no question of interest. I have said that on the 24th May, 1939, the Deputy Commissioner in consultation with the members of the former committee, decided that the money should be spent on repairs to village roads and drains.

Sardar Hari Singh : I want to know the reason why this money has been lying in the Government treasury for 3 years ?

Parliamentary Secretary : It must be kept deposited somewhere and it is now lying in the Government treasury quite safe.

Sardar Hari Singh : Why was it not spent for the purpose for which it was meant ?

Parliamentary Secretary : That depends upon the people of the village. Government could not spend it without consulting them. In this particular instance, the Government consulted the people concerned and they decided that it should be spent on repairs to village roads and drains.

Sardar Hari Singh : Is the Parliamentary Secretary aware of the fact that people of the village are clamouring that the money should be spent for village purposes ?

Parliamentary Secretary : I am not aware of any clamouring.

Munshi Hari Lal : When did this consultation take place ?

Parliamentary Secretary : I cannot say. The Deputy Commissioner and the members discussed this matter and after a good deal of discussion they came to the conclusion that the money should be spent on repairs to village roads and drains.

Sardar Hari Singh : What is the amount of the money ?

Parliamentary Secretary : I cannot say offhand.

**PUNITIVE POLICE POST IN CHIMA, JODHPUR AND CHAMANWAL
IN LUDHIANA DISTRICT.**

***5867. Sardar Lal Singh :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that punitive police has been quartered in the three villages of Chima, Jodhpur and Chamanwal in district Ludhiana; if so, the strength of the police so stationed and the cost per month in all its details;
- (b) the total amount of punitive police tax imposed in each of these villages to meet the expenditure on the police and the amount of tax so far realized;
- (c) the manner in which the burden of the tax has been distributed and whether the residents of these villages who own no lands and also the farm labourers have been made to share this burden; if so, the reasons therefor?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes. The strength of the detachment, as originally sanctioned, was one assistant sub-inspector, one head constable and 18 foot constables, plus one mounted head constable and six mounted constables. The cost of these worked out to Rs. 14,174-7-2 for the first year and Rs. 11,115-7-2 for the second.

In consequence of good work done by the people of Jodhpur since the location of the post, in giving information regarding the whereabouts of certain proclaimed offenders, orders have recently been issued bringing under reduction the mounted part of the detachment with effect from the 1st February, 1940, and relieving the inhabitants of Jodhpur from any part of the expense from the same date.

(b) The total cost for the two years was apportioned between the three estates as follows :—

*Collections up to
the beginning of
December, 1939.*

		Rs.	A.	P.		Rs.	A.	P.
Jodhpur	..	5,487	0	0	..			
Chima ..	..	10,833	0	0	4,875	0	0	
Chananwal	..	8,969	14	4	3,669	0	0	
Total	..	25,289	14	4	8,044	0	0	

(c) The non-agriculturists and labourers have been included in the assessment. This is fully in accordance with section 15 (4) of the Police Act, 1861, which requires that the apportionment shall be made according to the District Magistrate's judgment of the respective means of the inhabitants.

Pandit Muni Lal Kalia : With reference to part (a), may I know who were the absconders that were arrested or captured at the instance of the villagers of Jodhpur?

Parliamentary Secretary : I require notice for it.

Pandit Muni Lal Kalia : Since when has the punitive police tax been abandoned in the case of Jodhpur?

Parliamentary Secretary : Since 1st February, 1940.

Pandit Muni Lal Kalia : Has any representation been made by the residents of this village with regard to the withdrawal of the additional police force?

Parliamentary Secretary : I think the honourable member has put a separate question? He should wait for the answer to that question.

Chaudhri Muhammad Hasan : Has the Parliamentary Secretary ascertained that on account of the villages lying on the border of the Patiala territory, those absconders escape to that territory and that there is no fault or responsibility of the villagers?

Parliamentary Secretary : That does not absolve the villagers of that responsibility because they have been giving shelter to those offenders. It is quite correct that some of the offenders may have absconded in the Patiala territory and that may be the reason why they have not been arrested so far. But the responsibility of those villagers for harbouring the offenders is not absolved.

Chaudhri Muhammad Hasan : Has any of the residents of the villages been arrested under the Indian Penal Code for harbouring the offenders up till now?

Parliamentary Secretary : I must have notice: I am not aware of it.

Sardar Rur Singh : May I know the reasons for quartering the punitive police force there?

Parliamentary Secretary : There is another question by Pandit Muni Lal Kalia and in answer to that question the reasons will be given.

Sardar Rur Singh : Has that emergency ceased to exist?

Parliamentary Secretary : Not to the satisfaction of the Government.

Chaudhri Muhammad Hasan : How many of the proclaimed offenders have been arrested since locating the punitive post?

Parliamentary Secretary : I require notice: I cannot reply offhand.

LICENCE FEE FOR SALE OF GHEE IN LUDHIANA.

*5869. **Lala Deshbandhu Gupta :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that according to Punjab Government Notification No. 5172, dated 20th February, 1938, licences for the sale or import for sale of ghee in the Ludhiana municipality, were issued by the municipal medical officer of health on payment of one rupee per licence in the form appended to the by-laws published with the aforesaid notification;

- (b) whether according to Punjab Government notification No. 2801-C.-86/27048, dated 8th September, 1936, the by-laws published with Punjab Government notification No. 5172, dated 20th February, 1938, were made inapplicable to ghee;
- (c) whether the Municipal Committee, Ludhiana, has even after the coming into force of Punjab Government notification No. 2801-C.-86/27048, dated 8th September, 1936, been charging one rupee on every licence issued for the sale and import for sale, of ghee with the municipality;
- (d) if the answer to (c) above be in the affirmative, (i) the total amount realised by the Committee in contravention of the Punjab Government notification No. 2801-C.-86/27048 aforesaid;
- (e) whether the committee has refunded the amount to the licensees;
- (f) if not, whether the committee proposes to refund it;
- (g) whether any licensee has claimed refund of the license fee illegally realised by the committee;
- (h) whether that notification was brought to the notice of the committee by the executive officer;
- (i) if the answer to (e) above be in the negative, who is responsible for this grave contravention of that notification and whether Government will take any action in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a), (b) and (c) Yes.

(d) Approximately Rs. 800.

(e) and (f) The matter is being considered by the Committee.

(g) No.

(h) No. The notification was circulated for information amongst the municipal officials concerned and then filed by the office superintendent inadvertently without the orders of the Executive Officer.

(i) Does not arise.

Pandit Muni Lal Kalra : What is the reply to part (f) ?

Parliamentary Secretary : The committee is considering the question of refunding the money.

Pandit Muni Lal Kalra : May I know whether people who have paid the taxes are legally entitled to get back the money?

Parliamentary Secretary : So far no claims have been made, but the committee is considering the question of refunding the amount.

Pandit Muni Lal Kalra : Is the Parliamentary Secretary aware that people have already been claiming for money to be refunded?

Parliamentary Secretary : I have already said that none of the licensees has so far made any claim and without any claim being made the committee are considering the question of refunding the money.

Pandit Muni Lal Kalra : Is the Parliamentary Secretary positive when he says that no claims have so far been made?

Parliamentary Secretary : That is my information.

ELECTIONS TO THE DISTRICT BOARD, JULLUNDUR.

***5386. Master Kabul Singh :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that Deputy Commissioner, Jullundur, has recently recommended that the elections to District Board, Jullundur, be further postponed; if so, the reasons given by the Deputy Commissioner for this recommendation and also the period for which he has recommended the elections to be postponed and the action that the Government proposes to take on this recommendation?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The district board of Jullundur passed a unanimous resolution that Government be requested to postpone the district board elections for two years or until the end of the war, whichever period was the shorter. Government have decided to postpone the elections for one year.

Master Kabul Singh : What are the reasons for postponing the elections? Was there any revolution impending in Jullundur?

Parliamentary Secretary : There is no question of a revolution. The district board, Jullundur, passed a resolution that the fresh elections be postponed for two years so that the people may be able to devote their undivided attention to the work relating to war. The Government considered the resolution and passed orders for postponing it for one year only.

Master Kabul Singh : Is the Parliamentary Secretary aware that last year also the elections of the District Board, Jullundur, were postponed?

Parliamentary Secretary : May be so.

Master Kabul Singh : But there was no war scare then?

Parliamentary Secretary : Last year the district board elections were postponed owing to unavoidable delay caused in the preparation of the electoral rolls under the intended franchise. Government then did not anticipate a war.

Master Kabul Singh : May I know if the Deputy Commissioner, Jullundur, wrote to Government that the elections be postponed as all the groups in the Congress had united?

Parliamentary Secretary : The contents of the letter from the Deputy Commissioner cannot be disclosed.

Sardar Rur Singh : May I know if elections of all district boards have been deferred? Are the municipal committees immune from the danger of war as their elections have not been postponed?

Parliamentary Secretary : This question relates to the postponement of elections of a particular district board and not all in the province. As regards the municipal committees, if they pass any such resolution, Government would certainly consider the matter.

Pandit Shri Ram Sharma : The Parliamentary Secretary said in his reply to the question that the elections of the district board, Jullundur, were postponed so that people might be able to devote undivided attention to the work relating to war. Now, may I know what those works concerning the war are, which require the urgent attention of the people of Jullundur?

Parliamentary Secretary : This is entirely a new question. I would require notice for that.

Sardar Sohan Singh Josh : In view of the fact that elections of the district board, Jullundur, have been postponed owing to war, may I know if the members of the said board have been appointed as recruiting officers?

Parliamentary Secretary : I never said that.

Mr. Speaker : Besides, it does not arise out of the question.

Pandit Shri Ram Sharma : Is it the policy of the Government to postpone the elections of those district boards which pass such resolutions?

Mr. Speaker : Disallowed.

Sardar Kapoor Singh : May I know the opinion of the Commissioner, Jullundur division, in regard to the postponement of the elections of the said board?

Shaikh Faiz Muhammad : It is a confidential matter.

Sardar Kapoor Singh : May I know whether the Commissioner was against the postponement of elections?

Parliamentary Secretary : It is not the practice to disclose the contents of official correspondence.

Pandit Shri Ram Sharma : May I know if there is any likelihood of the next general elections of the Assembly being postponed in case the war goes on?

Mr. Speaker : Disallowed. It is a hypothetical question.

Master Kabul Singh : May I know if it is due to war that the District Board, Jullundur, has decreased the grants in its budget regarding education?

Mr. Speaker : Disallowed.

Lala Duni Chand : Is it not true that the object of postponing elections is to spare the sitting members the inconvenience of going through the ordeal of fresh elections?

Parliamentary Secretary : The Government have no soft corner for the sitting members.

BEATING OF SARDAR KISHAN SINGH, LAMBARDAR, KULGARHI, TAHSIL FEROZEPUR BY ASSISTANT SUB-INSPECTOR, POLICE, POLICE STATION MALLANWALA.

*5887. **Captain Sodhi Harnam Singh :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that on a complaint being made recently by Sardar Kishan Singh, Lambardar, Kul Garhi, tahsil Ferozepore, to the Deputy Commissioner, Ferozepore, that the Assistant Sub-Inspector, Police, Police Station Mallanwala, district Ferozepore, had molested, humiliated and also abused him and that the said Assistant Sub-Inspector, Police, left him only when he paid him Rs. 100 in cash, and that Lala Lekh Raj, Inspector of Police, has been deputed to inquire into this matter; if so, the result of inquiry if it has been completed so far?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : A complaint was made and an inquiry ordered as indicated. The result of the inquiry was to show that the complaint was false.

NOMINATIONS TO DISTRICT BOARDS AND MUNICIPAL
COMMITTEES.

***5888. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister for Public Works be pleased to state the basis on which nominations are made to the district boards and municipal committees ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : In making nominations, the interests of the local body concerned are kept in the foreground.

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary please state if a person in whose case keen interest has been taken by a member of the district board will be preferred for the purpose of nomination ?

Parliamentary Secretary : That is a hypothetical question.

Mian Sultan Mahmud Hotiana : May I know whether in making a nomination preference will be given to a person who hails from a constituency which has returned a member with a majority of thousands of votes or to a person who comes from a place which has polled on an average one or two thousand votes ?

Mr. Speaker : That again is a hypothetical question.

Pandit Shri Ram Sharma : The Parliamentary Secretary has stated that while making nominations the interests of the local bodies are kept in view. May I know what particular interests are taken into consideration while making these nominations ?

Parliamentary Secretary : Those persons are nominated who are expected to discharge their duties efficiently and honestly.

REPRESENTATION TO VILLAGE IN ARIFWAL TAHSIL, DISTRICT BOARD,
MONTGOMERY.

***5890. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the total number of villages in the old *abadi* of sub-tahsil Arifwala and the total population community-wise, in the villages in this area ;
- (b) whether he is aware of the fact that no Muslim member has been returned to the district board, Montgomery, from the area mentioned in (a) at the recent elections to the district board ; if so, the action intended to be taken to give them representation on the board ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) A statement giving the required information is laid on the table.

(b) A Muslim was elected from a constituency which included one of the zails in the areas mentioned by the honourable member.

STATEMENT.

Total number of villages in the old Abadi of Sub-Tahsil Arifwala	..	112
Total population community-wise—		
Muslims .. .. .	..	27,135
Hindus .. .. .	..	4,443
Sikhs .. .. .	..	4,104
Christians .. .. .	..	8
Total .. .. .	..	35,690

METALLED ROADS FOR VILLAGES IN BEIT, TAHSIL
PAKPATTAN.

*5891. Mian Sultan Mahmud Hotiana: Will the Honourable Minister for Public Works be pleased to state—

- the total area of the Beit ilaga in tahsil Pakpattan, the total number of villages in that ilaga and the total population of those villages;
- the number of the villages among them which are connected and which are not connected with market towns by means of metalled roads;
- the action, if any, Government propose to take in respect of such villages as are not connected with any market town by means of metalled roads for providing them with means of communication?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The situation is as follows:—

Area.	Villages.	Population.
185,753 acres ..	192	72,767

(b) Three metalled roads, namely—

- Arifwala-Qabula;
- Arifwala-Fitna-Jamlara; and
- Burewala-Jamlara

connect the Beit area with market town and thus the road communication facilities enjoyed by it are in fact better than those existing in certain other parts of the province.

(c) Does not arise.

REVISED TERMINAL TAX SCHEDULE OF CANTONMENT BOARD
OF AMBALA.

*5895. Lala Deshbandhu Gupta: Will the Honourable Minister of Public Works be pleased to state—

- whether Government have received the Revised Terminal Tax Schedule of the Cantonment Board of Ambala through the Northern Command;

[L. Deshbandhu Gupta.]

(b) if so, the reply, if any, the Government have sent and the action they intend to take regarding it ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) No terminal tax schedule have been received from the Ambala Cantonment Board or otherwise after that received in 1936 ;

(b) Northern Command was informed in 1938 that as under the Government of India Act, 1935, the Board could not enhance the rate of the tax or widen its range, it was not possible for the Provincial Government to take any action in regard to the proposed revision of the schedule.

Lala Duni Chand : Since the matter has been referred to the Central Government, has any correspondence passed between the Central Government and the Punjab Government ?

Parliamentary Secretary : No.

Lala Duni Chand : Is the Parliamentary Secretary aware of the fact that this matter has to be decided both by the Central Government and the Provincial Government ?

Parliamentary Secretary : I know that.

Lala Duni Chand : Is it not true that the people of Ambala Cantonment have been making repeated demands for the solution of this question ?

Parliamentary Secretary : I know that also.

Lala Duni Chand : Why then is this delay ?

Parliamentary Secretary : My honourable friend has given the reason himself — the matter has to be decided by the two Governments. So far as this Government is concerned, it has brought it to the notice of the board that by the passing of the Government of India Act certain conditions have become necessary. No decision has been arrived at so far.

Lala Duni Chand : Will the Parliamentary Secretary be pleased to remind the officer to whom this matter has been sent to expedite the matter ?

Parliamentary Secretary : That is a request for action.

IMPOSITION OF SANITATION TAX BY DISTRICT BOARD, SIALKOT.

*5929. **Shaikh Karamat Ali** : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the Sialkot District Board has recently proposed a sanitation tax to be imposed in some villages of the Sialkot district ; if so, the names of the villages so proposed to be taxed ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. A statement showing the names of the villages is laid on the table. The Deputy Commissioner has advised the board to reduce this number, and to select a small number of the richer villages in the first instance.

List of 88 villages proposed for the imposition of Sanitation Tax by the District Board, Sialkot.

Daska Tahsil.

- | | |
|---------------------|------------------------------------|
| 1. Ghartal. | 5. Adamke. |
| 2. Wadala Sandhuan. | 6. Jaicerwala. |
| 3. Siranwali. | 7. Ghuanke. |
| 4. Mundaka. | 8. Kot Karam Bakha and Kotli Bagu. |

Sialkot Tahsil.

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| 1. Kotli Loharan East. | 5. Gondal. |
| 2. Kotli Loharan West. | 6. Uggoke. |
| 3. Marakiwal. | 7. Roraa. |
| 4. Fateh Garh. | 8. Kullawal. |

Narowal Tahsil.

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| 1. Jassar. | 4. Lalla. |
| 2. Ghoti Fatehgarh. | 5. Pejowali. |
| 3. Dhanthal. | |

Pasru Tahsil.

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| 1. Badiana. | 7. Kila Subha Singh. |
| 2. Kotli Bawa Faqir Chand. | 8. Shahzada. |
| 3. Nangal Ram Chand. | 9. Tharoh. |
| 4. Furab. | 10. Dullam. |
| 5. Alhar. | 11. Jhatoke. |
| 6. Chuhar Munda. | 12. Saukanwind. |

REPRESENTATION AGAINST PROFESSIONAL TAX.

*5941. **Dr. Satyapal** : Will the Honourable Minister of Public Works be pleased to state whether it is a fact that the residents of Shahzada, Sihhawal and other three villages of tahsil Pasrur, district Sialkot, have made a representation to the Deputy Commissioner, Sialkot, complaining against the imposition of the professional tax by the District Board, Sialkot; if so, the action taken or proposed to be taken in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. The matter is being investigated by a sub-committee appointed by the Chairman of the Board.

Lala Deshbandhu Gupta : Is it within the knowledge of Government that the President of the Professional Tax Committee in this ilaqa was a candidate for the district board election and was opposed by a Congress candidate and that certain people in that ilaqa voted against this particular candidate and now this gentleman is victimising those voters who did not vote in his favour in connection with the District Board elections?

Parliamentary Secretary : I was not aware of these facts. If the honourable member gives notice, I shall find out.

Lala Deshbandhu Gupta : Did it not occur to the Parliamentary Secretary that the whole object of this question was to enquire whether that particular fact has been brought to the notice of Government? May I now ask him whether the representation submitted to the Deputy Commissioner did or did not make this particular charge which I have made?

Parliamentary Secretary : I am sorry I cannot give details of the complaint. The question did not appear to apply to allegations which my honourable friend has mentioned, and I can assure him that if he asks a fresh question, I will make enquiries.

Lala Deshbandhu Gupta : May I suggest that there should be a better method of obtaining answers to such questions, because the answers supplied by the local authorities are generally evasive ?

Parliamentary Secretary : Information was obtained on this particular point from the local authorities and the answer was prepared by Government.

Lala Deshbandhu Gupta : May I ask the Parliamentary Secretary whether he is prepared to go into the matter and write to the Deputy Commissioner, Sialkot, requesting him to make enquiries into the matter ?

Mr. Speaker : The honourable member may give notice as required by the Parliamentary Secretary.

Lala Duni Chand : Does the Government believe in the supreme necessity of improving the sanitation of Lahore or not ?

Parliamentary Secretary : The question has absolutely nothing to do with the answer I have given.

REMOVAL OF THE NUISANCE CAUSED BY THE STORM-WATER CHANNEL ON BEADON ROAD, LAHORE.

***5942. Dr. Satyapal :** Will the Honourable Minister of Public Works be pleased to state whether the Administrator of the Lahore Municipality proposes to take any steps to remove the nuisance caused by the storm-water channel which runs along the Beadon Road, Lahore, and which becomes particularly offensive near Dyal Singh College ; if so, what and when ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The nuisance is expected to be removed by the end of the next cold weather, on the completion of Part I of the Lahore Drainage Scheme, which has already been taken in hand.

ELECTIONS OF DISTRICT BOARD, LUDHIANA.

***5944. Pandit Muni Lal Kalra :** Will the Honourable Minister of Public Works be pleased to state—

- (a) when the general elections of the District Board, Ludhiana, are due ;
- (b) whether there is any proposal with the Government to postpone the coming elections of the said district board ;
- (c) if so, the reasons therefor ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The general elections are due in October, 1940.

- (b) The board has made no such request.
- (c) Does not arise.

LATHI CHARGE IN THE RAGHUNATH TEMPLE AT GUJRANWALA.

***5956. Chaudhri Krishna Gopal Dutt :** Will the Honourable Minister for Public Works be pleased to state whether a *lathi* charge was made by the police on a gathering consisting of men, women and children in the Raghunath Temple, Gujranwala, on November 7, 1939 ; if so, the grounds for the *lathi* charge and the number of men and women injured as a result of the *lathi* charge ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): No actual *lathi* charge was made by the Police. The brief facts of the case are that a Hindu crowd of about 600 persons, including approximately 60 women and a few children, collected at the Deviwalla tank on the 7th November, 1939, and began to shower brick-bats on Sikhs who were constructing a well on the bed of the tank with the sanction of the municipality. When the crowd refused to disperse in spite of repeated warnings by the district magistrate, Gujranwala, the district magistrate ordered the police to push it back. The police accordingly advanced and pushed the crowd back with their *lathis* held horizontally. In the course of the confusion a few persons received simple injuries and others were injured when the railing of the balcony leading to the Hindu Temple collapsed and a number of Hindus who had collected there fell over the parapet. In all 18 Hindus received simple injuries, of whom 2 were women. Besides these, 41 Sikhs, 24 police officers and 45 civil officers received simple injuries due to a shower of brick-bats from the Hindu crowd.

Chaudhri Krishna Gopal Dutt: What justification have the Government in declaring that it was not a regular or an actual *lathi* charge when a number of persons including men, women and children were seriously injured?

Parliamentary Private Secretary: I have already stated that it was not a *lathi* charge, but the district magistrate ordered that the crowd should be pushed back and the police with their *lathis* held horizontally pushed the crowd back, and as some of the persons fell over the parapet they were injured. There was no *lathi* charge made.

Chaudhri Krishna Gopal Dutt: Is it a fact that the Deputy Commissioner of Gujranwala gave a regular order to the police asking them to resort to *lathi* charge?

Parliamentary Private Secretary: No.

Chaudhri Krishna Gopal Dutt: Is the [Parliamentary Secretary very sure of this answer?

Parliamentary Private Secretary: Yes.

Chaudhri Krishna Gopal Dutt: In view of the fact that a considerable portion of the population of Gujranwala and other responsible people are of different opinion and also the fact that I have myself been to that place and enquired into the matter and found that the facts supplied by the Parliamentary Secretary are incorrect, in view of these facts are the Government prepared to set up an independent enquiry committee into the matter?

Parliamentary Private Secretary: There is no question of an independent enquiry. Moreover the question is merely a request for action. I have already stated that the district magistrate ordered that the crowd should be pushed back. There was no *lathi* charge. I do not see where the question of an independent enquiry comes in.

Chaudhri Krishna Gopal Dutt: Is it a fact that the answer which has been read out by the Parliamentary Secretary, was drafted by the Inspector of Police, Gujranwala, and re-drafted by the deputy commissioner?

Parliamentary Private Secretary : No.

Chaudhri Krishna Gopal Dutt : May I know from the Parliamentary Private Secretary the source of his information ?

Parliamentary Private Secretary : Local authorities.

Chaudhri Krishna Gopal Dutt : Just now the Parliamentary Private Secretary said that this answer was not prepared by the local Deputy Commissioner or the Inspector-General of Police. Then may I know what he means by 'local authorities' ?

Parliamentary Private Secretary : The honourable member asked me whether the answer was drafted by the local officers. I still maintain that it was not drafted by them.

Chaudhri Krishna Gopal Dutt : May I know whether it was prepared by them ?

Parliamentary Private Secretary : They supplied the information.

Lala Duni Chand : May I know the line of distinction that is drawn between a *lathi* charge that is serious and a *lathi* charge that is not serious ?

Chaudhri Krishna Gopal Dutt : Now that the Parliamentary Private Secretary has admitted that the answer was prepared by the local authorities meaning thereby the district magistrate or the deputy commissioner or the Inspector-General of Police, does it not occur to him that the answer has been prepared by the culprits themselves ?

Parliamentary Private Secretary : I have stated that the information was supplied by the local authorities. The answer was not prepared by them.

Chaudhri Krishna Gopal Dutt : Is it a fact that the injuries received by certain persons including women and particularly those received by the two women mentioned in the answer are serious ?

Parliamentary Private Secretary : I have already stated that they received simple injuries.

Chaudhri Krishna Gopal Dutt : May I know where these two women are now ?

Parliamentary Private Secretary : I require notice of that question.

Chaudhri Krishna Gopal Dutt : May I suggest to the Parliamentary Private Secretary that when he is dealing with such an important matter he should have known whether they are still lying in the hospital and whether their condition is precarious or not ?

Parliamentary Private Secretary : My information is that at that time they received simple injuries. But if my honourable friend wants to know their condition subsequently, then I should be prepared to answer if he tables another question.

Chaudhri Krishna Gopal Dutt : I am very grateful to him for this. But may I suggest to him that I as a Government member would have sent my Parliamentary Secretary to Gujranwala or appointed an enquiry committee to go into this matter because it must occur to the Parliamentary

Private Secretary that our charge was mainly against the Deputy Commissioner and the Inspector-General of Police who supplied the Government with this false information. I happened to be there and the information now given is absolutely wrong. (*Interruption.*) Because he said he was prepared to do it, I am suggesting this to him. Now, may I know from the Parliamentary Private Secretary whether the Government is prepared to send a Parliamentary Secretary to Gujranwala to enquire into this matter or set up an enquiry committee to go into this question?

Sardar Sohan Singh Josh : Will the Parliamentary Private Secretary be pleased to say how many of the persons who were pushed back by the police were admitted into the hospital?

Parliamentary Private Secretary : I have stated that some of the persons who were pushed back sustained injuries when they fell over the parapet wall and that the injuries were of a simple nature.

Chaudhri Krishna Gopal Dutt : May I ask the Parliamentary Private Secretary as to what was the fault of these two women for which they were harassed or molested or pushed?

Parliamentary Private Secretary : Those two women constituted part of the crowd which was pushed back. If my sisters were not there they would not have received any injuries. Why they were there, my honourable friend should know better.

Chaudhri Krishna Gopal Dutt : Is it a fact that before using force, whether it was in the form of a *lathi* charge or in the form of pushing forward or backward or this side or that side, the local authorities considered the possibility of removing the women from that place?

Chaudhri Krishna Gopal Dutt : May I give you notice, Mr. Speaker, under rule 12 (b), of my intention to raise a debate on the unsatisfactory nature of the reply given by the Parliamentary Secretary to my question?

POSTING OF ADDITIONAL POLICE POST IN VILLAGES CHANANWAL,
DISTRICT LUDHIANA.

***5971. Pandit Muni Lal Kalra :** Will the Honourable Minister of Public Works be pleased to state—

- (a) when punitive police was posted in villages Chananwal, Chima and Jodhpur, police station Sehna, district Ludhiana;
- (b) whether it is a fact that representations are being made to Government against posting additional police in village Chananwal;
- (c) the reasons that have led the Government to post additional police in each of the above-mentioned three villages;
- (d) whether realization of the cost of the additional police force has started in village Chananwal and whether forcible attachment and auction of movable property has been resorted to by the authorities concerned;
- (e) the names of the residents, whose property has been attached so far, the description of such property and the way in which it has been disposed of?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :—
(a) From the 9th October, 1938. Particulars of the strength of the post, and its cost, have been given in the reply to Question *5867¹, put by the honourable member for the Ludhiana Central (Sikh) Rural Constituency.

(b) Two or three petitions were received in September and October last. These were forwarded to the Deputy Commissioner.

(c) On account of the misconduct of the inhabitants of the three villages, which have been notorious for several years past for sheltering dacoits and other outlaws. Chananwal, for instance, is the home village of a notorious absconder named Gurnam Singh for whose arrest a reward of Rs. 1,000 has been offered and who has certainly been receiving help from the other people in the village. The people of Jodhpur, again, have undoubtedly been giving shelter to another notorious absconder named Gauri Datt. The third village, Chima, lies between the other two and the inhabitants are closely associated with the people of Chananwal and Jodhpur in their lawless activities.

(d) and (e) Out of the total cost an amount of Rs. 8,969-14-4 is payable by the residents of Chananwal, and of this Rs. 8,719 has already been collected. In only seven cases has it been necessary to issue attachment warrants. In five of these payment was made before attachment was actually effected. In the remaining two cases certain stocks of grain were attached. This was released on payment of the sums due, without the need of proceeding to sale. (I do not think that it is necessary to give the names.)

Pandit Muni Lal Kalia : Is it a fact that Gurnam Singh was burnt alive about a year ago by the police?

Parliamentary Secretary : I have no information on this point.

Pandit Muni Lal Kalia : May I know the names of the absconders and outlaws who were responsible for the posting of additional police in these three villages?

Parliamentary Secretary : If my honourable friend is very keen to know this, he had better give notice and I shall collect the information.

Pandit Muni Lal Kalia :] Is it a fact that Gauri Dutt was also shot down about 18 months ago?

Parliamentary Secretary : I have no information on that point.

Pandit Muni Lal Kalia : Is it a fact that two other absconders of the village Chananwal were also shot down and at present there is no absconder or outlaw in these villages?

Parliamentary Secretary : I have already stated that I have no information on the point. But I shall certainly make enquiries and if the information possessed by my honourable friend is correct, then Government will certainly consider the question of the withdrawal of the additional police.

Pandit Muni Lal Kalia : Have any representations been made by the villagers of these three villages that the police there has been siding with the absconders and supporting them and that is the reason why they have not been arrested so far?

Parliamentary Secretary : I have no information on that point.

Chaudhri Muhammad Hasan : Is it a fact that these absconders were murdered or burnt or shot down in Sehna police station ?

Parliamentary Secretary : I have no information on that point either.

Chaudhri Muhammad Hasan : My point is that these absconders left these villages long ago and they were shot down in a different part of the district.

Parliamentary Secretary : If the information of my friend is correct and the Government is satisfied that the additional police is not required, it will consider the question of its withdrawal.

Lala Duni Chard : In view of the fact that the most important task of the punitive police has been discharged and the dacoits have been killed or burnt down, what other business has the punitive police to do there ?

Parliamentary Secretary : My honourable friend's assumption is not correct, that all the absconders or dacoits have been shot down.

Khan Sahib Khawaja Ghulam Samad : With reference to the reply to part (b), may I know whether the representations made to the Government against the posing of punitive police in Chananwal were forwarded to the deputy commissioner for information or for making enquiry and report ?

Parliamentary Secretary : The representations were forwarded to the deputy commissioner for report.

Sardar Lal Singh : I just want to know from the Parliamentary Secretary whether the Government gave any consideration to the representation which was forwarded to the Deputy Commissioner, Ludhiana, and whether the petition reached the Government at all.

Parliamentary Secretary : The petitions were addressed to the Government and they were forwarded to the deputy commissioner for report.

Sardar Lal Singh : Did the Government have any occasion to arrive at a decision or deal with them after they had been reported ?

Parliamentary Secretary : I have said that the Government has so far thought it fit only to withdraw the mounted police from these villages, but as far as the other additional police is concerned, they have not thought it advisable to withdraw it.

Sardar Lal Singh : Were there any other allegations also made in the petitions ? Did the Government receive these petitions and did it deal with them ?

Parliamentary Secretary : So far as the petitions dealt with the withdrawal of the additional police force, the Government have not thought it advisable to withdraw it beyond the withdrawal of the mounted police.

Sardar Lal Singh : Are we to understand that this is the normal procedure for the Government to send such petitions addressed to the Government to the deputy commissioner and not deal with them here ?

Parliamentary Secretary : Yes, the Government first call for the report of the local authorities and thereafter if they think any action is required to be taken they take such action.

Khan Sahib Khawaja Ghulam Samad : May I know from the Parliamentary Secretary whether the representations mentioned in part (b) were received by the Government after the punitive police had been posted in village Chananwal or before it ?

Parliamentary Secretary : The punitive police post was located there on the 9th of October, 1938, and the representation was received in October, 1939.

Khan Sahib Khawaja Ghulam Samad : The Parliamentary Secretary in reply to my previous question stated that the representation was sent to the deputy commissioner for report. Where does the question of a report arise when a punitive police post had been stationed there ?

Mr. Speaker : That is an argument and not a question.

Khan Sahib Khawaja Ghulam Samad : My previous question was quite simple. I wanted to know whether the representations made to the Government against the posting of punitive police post in village Chananwal were sent to the Deputy Commissioner for information only or for any action after enquiry. In reply to this the Parliamentary Secretary stated that generally such representations are sent to the deputy commissioner for information and for report as to whether a police post be posted in a certain place or not. That reply is quite wrong.

Parliamentary Secretary : Petitions are made by people in many cases for the withdrawal of these posts. When the police posts are located people come forward with requests that the posts are not required and for that reason the Government has to consider whether it is advisable to retain the post there or not and this depends upon the recommendation of the local authorities.

Sardar Lal Singh : Is the Parliamentary Secretary aware of the fact that one of the serious allegations made in that petition was that the mounted police that was appointed for the whole of the district was being charged from these three villages ?

Parliamentary Secretary : Anyhow the mounted police has now been withdrawn.

Sardar Lal Singh : But what justification was there to saddle these three villages with the cost of the mounted police which was working for the whole of the district ?

Parliamentary Secretary : Because these three villages were considered to be giving shelter to dacoits who were committing dacoities throughout the district.

Sardar Lal Singh : Is it not a fact that this mounted police was originally appointed for the Ludhiana and Ferozepore districts but when it came to the question of its cost, these three villages were made to pay the whole cost ?

Parliamentary Secretary : It is not quite correct, but if my honourable friend is keen to have the fullest information, I shall supply it if he gives me notice.

Lala Duni Chand : Is it not true that very many times you make people scapegoats and these three villages were also made scapegoats?

Mr. Speaker : Disallowed.

Pandit Muni Lal Kalia : What is the reply to parts (d) and (e) of my question?

Parliamentary Secretary : I have stated that the information is not yet ready, but it will be communicated to the honourable member later.

Lala Duni Chand : On a little point of order. Very often I find it difficult to follow your rulings.

Mr. Speaker : I will try to make myself clearer in future (*laughter*).

Pandit Muni Lal Kalia : May I know whether auction of the movable property has already taken place? I do not want detailed information, but I want only to know if auction has started.

Parliamentary Secretary : I have already stated that the detailed information is not yet available; as soon as it is available, it will be communicated to him.

Pandit Muni Lal Kalia : May I know how long will it take?

Parliamentary Secretary : I cannot say definitely, but it will be communicated when it is ready.

DEGREE COLLEGE IN DERA GHAZI KHAN DISTRICT.

***4907. Khan Bahadur Sardar Muhammad Hassan Khan Gurchani :** Will the Hon'ble Minister of Education be pleased to state whether Government intend to open a degree college in Dera Ghazi Khan district; if so, when this proposal will be given effect to?

The Honourable Mian Abdul Haye : No.

Khan Bahadur Sardar Muhammad Hassan Khan Gurchani : May I remind the Honourable Minister that when he visited Dera Ghazi Khan along with the Honourable Premier he gave an assurance to the people that a degree college would be opened in Dera Ghazi Khan? What has become of that assurance?

Minister : I gave no such assurance. I only pointed out to the people that in the address they had presented to the Honourable Premier they had made no mention of their educational requirements and that this fact indicated their lack of interest in the education of their children. After this some gentlemen suggested that Government should establish a college at Dera Ghazi Khan.

Chaudhri Muhammad Hasan : Is the Honourable Minister aware of the fact that it is very difficult for students from that part of the province to come to Lahore for higher education ?

Minister : My honourable friend should know that there is a degree college at Multan.

Chaudhri Muhammad Hasan : Is the Honourable Minister aware that they feel the same difficulty in coming to Multan as they feel in coming to Lahore ?

Lala Duni Chand : Is the Honourable Minister for Education aware of the fact that before a student can come from Dera Ghazi Khan to Multan he has to cross the Indus which in the rainy season extends to as much as 14 to 15 miles ?

Minister : My honourable friend has a very good knowledge of geography.

LATHI CHARGE IN GUJRANWALA.

DEBATE ON ANSWER TO QUESTION.

Mr. Speaker : Chaudhri Krishna Gopal Dutt has given notice of his intention to raise a debate on the subject matter contained in the reply given by the Government to his question No. *5956¹ regarding *lathi* charge in Gujranwala. Has the honourable member the leave of the House to raise this question ?

1 p.m.

The leave was not given.

STATE AID TO INDUSTRIES (AMENDMENT) BILL.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : Sir, I beg to present the report of the drafting committee on the Punjab State Aid to Industries (Amendment) Bill.

Mr. Speaker : I will put the amendments one by one.

Diwan Chaman Lall : There is no proper amendment before the House. At this time we have only the report of the drafting committee before the House.

Mr. Speaker : The amendments proposed by the drafting committee are generally put by the Chair.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : I beg to move—

For the amendment to clause (2) (1) carried by the Assembly the following be substituted—

“ and includes dairy farming, bee-keeping, lac-making, and keeping a poultry farm ”.

Diwan Chaman Lall : On a point of order. My honourable friend is moving that the first amendment be adopted. No notice has been given of this amendment. The proper procedure for an amendment is that due notice of it should have been given. I submit that when the drafting committee makes any changes or proposes any amendments, they must

come in the ordinary course of events just like any other amendment proposed to a measure. Therefore, due notice must be given to honourable members under the rules relative to amendments. I would ask my honourable friend, therefore, to withdraw this motion. I submit that amendment procedure should be followed and due notice must be given of these amendments.

Khan Bahadur Nawab Muzaffar Khan : I think the procedure so far has been that the drafting committee's amendments were always put by the Chair and that no formal notice was given.

Mr. Speaker : May I invite the honourable member's attention to sub-rule (3) of Rule 108, which says—

"When the report of the drafting committee has been presented and the decision of the Assembly on the amendments proposed has been made, the member in charge may at once move that the Bill be passed."

The report of the drafting committee, which was circulated on the 1st of February, suggests these amendments.

Diwan Chaman Lall : The drafting committee's report says :—

"The Drafting Committee propose the following amendments."

The drafting committee is not a member of this House. This committee was appointed by this House.

Mr. Speaker : For the last 15 years, since I have been in this chair, the practice of this House has been that the report of the drafting committee has been put from the Chair.

Diwan Chaman Lall : The rule says : "when the report has been presented." That is the first stage. The report has been presented by my honourable friend when he said "I present the report of the drafting committee to the House." Then there is the second part to it and that is "and the decision of the Assembly on the amendments proposed has been made." The decision of the Assembly has to be made. What I am submitting, Mr. Speaker, is that the procedure applicable to amendments is to be followed even in regard to these amendments.

Mr. Speaker : No such notice has been given in the past so far as I know and the previous debates will show that this has not been done in the past. If the honourable member wishes to start that practice now, I am entirely in the hands of the House and shall gladly do so if desired.

Diwan Chaman Lall : The House cannot over-rule the rules already made unless they do so by means of a formal motion. The rule is definite and clear. These amendments proposed by the drafting committee are not any amendments which are different in nature or character to the amendments which—

Mr. Speaker : They are not, but when the select committee submit its report, the Bill, as amended by that committee, is printed and no separate amendments are proposed. Yet each individual clause is moved by the member in charge.

Diwan Chaman Lall : That is exactly the point I am driving at. You have conceded the point that I am raising. When the report of the select committee is presented and the Bill, which has already been before the House, has been amended by the select committee, then my honourable

[D. Chaman Lall.]

friend, as Minister in charge of that particular Bill, puts it clause by clause before the House.

Mr. Speaker : That is what I asked him to do at the very beginning. I said that he might move and then the honourable member got up and said that there ought to be separate motions.

Diwan Chaman Lall : Was any notice given ?

Mr. Speaker : The report by itself is a notice.

Diwan Chaman Lall : How can a drafting committee's report come in as a select committee's report ?

Mr. Speaker : The honourable member made the rules and he knows better. I stand on the practice of the last fifteen years. So long as I have been in the chair the drafting committee's report has been presented. The report contains amendments suggested by the drafting committee and those amendments are put to the vote of the House. If the honourable member will so wish, I shall put them individually.

Diwan Chaman Lall : If you have to waive notice, it is for you to do so.

Mr. Speaker : There is no question of waiving notice. The drafting committee's report is like the report of a select committee. When the select committee makes a report, every clause of the Bill, as amended by the select committee, is called by the Chair and considered, amended or passed or rejected by the House.

Diwan Chaman Lall : Then I take it that the Honourable Minister is going to move the amendments one by one and allow the House to say what it has to say.

Mr. Speaker : I call the first amendment : Amendment moved—

For the amendment to clause (2) (1) carried by the Assembly the following be substituted :—

"and includes dairy farming, bee-keeping, lac-making and keeping a poultry farm."

Munshi Hari Lal : Where is that report ?

Mr. Speaker : The report was circulated on the 1st of this month to all the members.

Diwan Chaman Lall : Was it sent out from the office on the 1st of February and did the honourable members have it in their hands on the 1st ?

Mr. Speaker : It was circulated on the 1st of February.

Diwan Chaman Lall : Often the date is put down but we get the things two days later.

Mr. Speaker : I shall verify.

Sardar Bahadur Sardar Gurbachan Singh : I received it on the night of the 1st.

Mr. Speaker : The question is—

For the amendment to clause (2) (1) carried by the Assembly the following be substituted :—

"and includes dairy farming, bee-keeping, lac-making and keeping a poultry farm."

The motion was carried.

Mr. Speaker : The next amendment—

That for clause (4) (a), as amended, the following clause be substituted:—

(a) After the words "or assigns" the words "or by any member of his family if he belongs to a joint Hindu family" shall be inserted.

The question is that that amendment be made.

The motion was carried.

Mr. Speaker : The next amendment—

That in clause 4 (b) for the words "or assigns" in the first line, the words "joint Hindu family" be substituted.

The question is that that amendment be made.

The motion was carried.

Minister of Development : I move—

That the Punjab State Aid to Industries (Amendment) Bill, as amended, be passed.

Mr. Speaker : Motion moved—

That the Punjab State Aid to Industries (Amendment) Bill, as amended, be passed.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Urdu*): Sir, under the provisions of this Bill the Government can grant subsidies to village and cottage industries. Although we the members of the Opposition do not see eye to eye with the Honourable Minister so far as this amending Bill is concerned, yet I assure him that we are prepared to lend our wholehearted support to the Government for giving effect to the provisions of this Bill. But along with this I wish to bring one thing particularly to the notice of the Government. That is that the experience of last three years shows that the Government has granted only a sum of Rs. 10,000 by way of subsidies for encouraging cottage and village industries. In the year 1937-38 the Government granted only Rs. 7,000 by way of subsidies. In the next year it granted a small sum of Rs. 8,500 and the total thus comes to Rs. 10,500 only. This in my opinion is a small sum for the encouragement of cottage and village industries and we cannot hope that with this paltry sum anything like success can be achieved in the matter of encouraging the cottage and village industries. It is, therefore, necessary that the Government should sanction a bigger sum for this purpose. But where is that money to come from? I have a suggestion to make. During the last three years Government has granted something like Rs. 2 lakhs by way of loans to the people for industrial purposes, and I request the Honourable Minister that instead of spending this sum by way of granting loans to the people for industrial purposes the Government should earmark it for encouraging cottage and village industries in the province. If this suggestion is adopted I think something can be done to encourage cottage and village industries in the rural areas.

Besides, there are two or three industries which in my opinion, in these war days can prove to be very profitable for the zamindars. One of them is the production of lac. In this connection I may point out that instead of granting subsidies to special ilaqas for the encouragement of cottage and village industries it would be much better to set apart specific sums for every division so that in every ilaqa encouragement should be given to these industries. Adverting to the subject proper I may point out that if the zamindars begin to produce lac, it can bring them good deal of profit. I request the Honourable Minister to consult the deputy commissioners

[S. Kapoor Singh.]

before setting apart sums for the production of lac. Moreover, they should be asked to encourage the zamindars to start lac industry in their villages. I think if this suggestion is adopted it will go a long way in solving the pecuniary difficulties of the villagers, who now a days have not even sufficient money at their disposal to pay up their share of land revenue. Then, Sir, the second cottage industry to which I would like to draw the attention of Government is the production of butter. In this connection let me express my grateful thanks to the Honourable Minister in charge of the Bill for having accepted my amendment under which dairy farming is to be subsidized. Now, as the honourable members are aware, thousands of maunds of milk are produced in the villages. But the method of preparing butter from it is so defective that the zamindars cannot derive any substantial benefit by selling it. It is a matter of common knowledge that at first he churns the milk in order to get butter and then he prepares ghee from it. But as generally fresh butter fetches higher price than ghee, I would suggest to the Honourable Minister that he should make arrangements for establishing dairy farms in certain areas so that the villagers should bring their milk to these dairy farms and get butter scientifically prepared on payment of a certain reasonable fee. This arrangement would certainly prove immensely beneficial to them because thus they would get larger quantity of butter and hence they can earn more money. Besides, they can take back their churned milk and make money out of it by selling it to the public or by using it for domestic purposes. I am sure, my honourable friends over there are aware that selling of ghee is at present not proving a lucrative business to the zamindars. But as now-a-days the demand for butter is increasing I would suggest to Government to make arrangements for the preparation of butter and then tinning it with a view to make it marketable in the bazar or to export it to foreign countries. Thus the House can easily realise the amount of benefit which can accrue to the villager out of this cottage or village industry. I hope Government would take good care to encourage this cottage industry and subsidize it in order to make it a paying proposition to the great benefit of the zamindars.

Now, I would like to invite the attention of Government to another important cottage industry. It is the blanket-making industry. In this connection I may point out that in the district of Ludhiana there are certain villages the residents of which are hereditary weavers of blankets. At present when the war is going on, the need for blankets is being keenly felt and naturally there is a great demand for the rugs. Besides, Government have also advertised and called tenders for the supply of blankets in order to meet the exigencies of war. I would, therefore, make a suggestion to Government that they should subsidize or advance loans on easy terms to those residents of the villages in which this cottage industry has been in existence for generations. Even if Government is not prepared to act upon my proposal, they should at least supply them with yarn and get blankets prepared on payment of certain wages. Thus Government would be encouraging this cottage industry and adding something substantial to the paltry income of the zamindars. But the difficulty is that our Government is averse to doing anything systematically. It is carried away by feelings of favouritism even in the matter of subsidising cottage

industries. I am, therefore, of the opinion that if Government takes steps to carry out an industrial planning with a view to encourage cottage industries, much can be done to alleviate the sufferings of the down-trodden and impecunious zamindars. It is a matter of gratification that the Punjab Government has invited Professor K. T. Shah to prepare a plan of industrial development of the province. I would urge upon the Government the desirability of strictly acting upon the proposals to be made by Professor Shah, if they really wish to ameliorate the miserable condition of the villagers and encourage the cottage or village industries. With these words I close my remarks and hope that Government would do everything in its power to assist the zamindars in adding another string to their bow.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I have stood up not to oppose the Bill, but only to sound a note of warning, which, if the Honourable Minister in charge of the Bill will keep in mind, if he has a mind to do so, may prove useful. My own opinion is that this Bill was not at all necessary, because the old Bill has carried out the objects which this Bill has in view. The only material difference that I can see is that whereas a subsidy under the old Bill, if my memory serves me rightly, was intended for the purpose of research and so on, in this Bill it has been provided that a subsidy may be given for any purpose so far as village industry or cottage industry is concerned, while so far as other industries are concerned, a subsidy would be given only for the purpose of research. It is really this somewhat material difference that has prompted me to get up and say a few words. I have great suspicion that this clause is liable to great abuse and may be greatly abused. Giving of subsidy means that you do not, as a rule, expect a repayment of the amount advanced as a subsidy. When something new has to be discovered or research has to be made, there is justification for the Government to spend the money without any hope or desire of repayment of that money. But when a person wants to set up an industry which is not new and for which no research is in view and for which no research may be necessary, then to advance money to that person, who wants to start an industry of this kind without any stipulation as to its repayment, may be sheer extravagance and waste of money. It is possible that some people, who may consider themselves entitled to some support or some help from the Government for services rendered either in this House or outside this House may approach the Government on the pretence or on some ostensible excuse or some sort of make-shift scheme that they are going to enter upon a particular industrial enterprise and that they want so much money and that they do not want it as a loan, which is, of course, a different matter, but they want it as a subsidy. This would mean a free gift and the Government will have to be careful and be very strict before the money can be squandered in this way.

The introduction of poultry farming and such other things is also liable to similar abuse. Some time ago one of the ex-Governors told us a story which related particularly to poultry farming. One of the Governors, when he was a commissioner, was approached by a retired military officer who told the commissioner that he wanted to carry on poultry farming somewhere in the neighbourhood of Lahore and for that purpose he wanted some land and we were told that a few squares of land were granted to that military officer.

[Dr. Sir G. C. Narang.]

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

Some time passed but no report was received as to the poultry farm which that military officer had promised to set up; and it occurred to the commissioner, as he then was, to ascertain what had become of the land and whether any poultry farm had actually been set up. One day he took out his horse and rode to the alleged farm. While he approached near the farm he saw quite a number of people coming from all directions with hampers of poultry on their heads, quite a number of chickens, hens and cocks in their hampers from all directions. The curiosity of the commissioner was aroused and also his suspicion and he asked where they were going to take their hampers. And these simple villagers, without knowing who the gentleman was and what the object of his enquiry was, told him that they were taking the *murghis* to the "murghi major" in such and such village. In that village that gentleman was carrying on an occupation other than poultry farming and had kept a few hens and eggs and so the people used to call him "murghi major." Somehow he got an inkling of the commissioner's visit and arranged for these hampers containing *murghis* to be sent to him. When the commissioner went to the spot he did not find any real poultry farm but a number of hampers lying there. Of course the commissioner cancelled the grant immediately after. Similar things may happen in future, and I think the Government will have to be very careful before making any subsidy at least for any village or cottage industry. I think it would be very necessary for them to satisfy themselves that the application made for subsidy is really genuine and not a contrivance just to get hold of some money; otherwise I think the Act as it stood gave full scope to any kind of assistance to all industries whether they were urban industries or rural industries. I did not know the distinction until this Bill came forward, between urban industries and rural industries. Industry was an industry whether it was carried on in a rural area or in an urban area; but as the distinction is becoming very patent and the tendency is to ruralise everything so industry is also being ruralised. I shall be very happy if the agriculturists of the Punjab take to industry because I feel though some of these gentlemen do not feel, that unless industry makes progress in this country there is no hope for the agriculturists of this country. They require some subsidiary occupation. Agriculture cannot feed them and it will be a very good thing if they acquire industrial mentality, real industrial mentality. So far the village industries, of which honourable members are aware, are village pottery: the village potter supplies "gharas" and "handis" to people living in villages. We have the village *mochi* who supplies shoes, country shoes to the villagers. We are also familiar with the village carpenter who prepares agricultural tools and implements, and the village blacksmith who does the same. Besides these there is hardly any industry in the villages, and unfortunately the zamindars of our province are particularly averse to anything which is in the nature of either an industry or trade. They have a contempt for these things because they think it is beneath the dignity of a chandhri either to occupy himself with any manual labour other than agriculture or to engage in trade or business, with the result that agriculture cannot feed them and they run into debt. It will be a

good thing if their mentality is changed and some sort of cottage industry is set up. I do not know what the new gentleman, who has been imported, would place before the Government of this province. I hope he is quite familiar with the circumstances of the province and he knows something more than the great economist that we have here as a member of the Government, and would tell Government what he could not tell and what the industrialists of this province could not tell the Government. Let us hope that Mr. Shah will be able to give some plan to the Government in this matter and would suggest some industries which can be usefully followed in the villages. Unless the mentality of the people living in villages is changed there is no hope for village industries. If this ill-will between the agriculturist and the non-agriculturist continues, there would be no co-operation, and you can take it from me that no industry can flourish anywhere unless there is close co-operation between the grower and the manufacturer, between the people who are engaged in agriculture and people who have hitherto been engaged in industry and commerce. I hope I have said nothing which would give offence to the Honourable Minister and if he has anything to say he will say it now and not when I am absent. I cannot be here all the time and I do not want him to say that I have run away from his speech. I had to be out of Lahore for two days and I could not take notice of the attack that he made on me in my absence when he was speaking on the Factories Control Bill. I am never afraid of his speech. If I go I go away either because I have got some engagement—I am not a whole time servant, though I try to be here unless there is some engagement—or because sometimes I get tired of the piffle to which I am constrained to listen from my honourable friends opposite. The speeches of my friend may disgust me or arouse my resentment but can never frighten me.

With respect to other things which he said, I do not want to utilise this opportunity because that will not be quite relevant. I shall content myself by saying that the charges which he brought against me were utterly groundless. He tried to take credit by referring to the Provincial Stores Department. He should know—and he knows it if he has ever looked at the papers—that the idea is not his, the idea was started in my time. We could not carry it out because this Government consisted of two parts, Transferred Departments and Reserved Departments, and the Finance Department was not a Transferred Department. Howsoever high our ambitions might have been, the strings of the purse were in other hands and those hands were not always willing to open those strings. Now the whole Government is in their hands. They have a very obliging Finance Minister and they have the whole power in their hand. If they need money they have only to ask the Finance Minister and he places as much money at their disposal as they want.

Malik Barkat Ali : He is a very jealous Finance Minister.

Dr. Sir Gokul Chand Narang : I hope he is, but in any case he is a Punjabi and if he thinks that a scheme is for the benefit of the Punjab he will certainly not withhold the necessary finance. The state of affairs so far as the constitution is concerned, was entirely different in my time. I know that I used to feel very great difficulties even for small sums of money.

Mr. Deputy Speaker : The honourable member may now finish.

Dr. Sir Gokul Chand Narang : Sir, I am not going into the details. I only wanted to say in a few words that whatever the Honourable Minister has said against me he should not have said. When the time comes I shall tell him what I did during my time for industries, and I hope and wish that the Minister could do even a fraction of it during his time. I wish to take this opportunity to tell the House that the credit which the Honourable Minister claimed for having set up a Provincial Store Purchase Department does not go to him at all. Merely because he has now been able to set up the department, it does not entitle him to claim any credit. With these words I would resume my seat.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban), (Urdu) : Sir, it goes without saying that the step taken by the Honourable Minister of Development by way of introducing the present Bill is indeed highly laudable. This piece of legislation aims at granting subsidies to the cottage and village industries. But I would like to make a submission to the effect that the Government should take particular care in granting such subsidies only to the deserving enterprisers. It has been often seen that at the time of distribution of such bounties only undeserving people are benefited and the deserving people are entirely left in the cold. This time again, I have genuine fears in my mind that only such persons would be the recipients of these subsidies who do not deserve such grants in the least. In fact such subsidies should be given only to the artisans and skilled labourers. The present Bill also provides for the advance of loans to the petty industrialists. There is no gainsaying the fact that the problem of unemployment is acute in the province at present. I am sure the present measure would go to some extent to ease the acuteness of this problem. I may be allowed to suggest here that loans should be advanced to the deserving people at nominal rates of interest on easy instalments. Moreover, a separate officer should be appointed for the purposes of paying subsidies and advancing loans to the deserving people. In my opinion the poor *thatiars* of Panipat, durrie makers of Ambala and the weaving communities and blanket makers throughout the whole province, are the most deserving people in this respect. Although they work day and night, yet their employers who are rolling in wealth do not remunerate them adequately. In fact these capitalists enjoy the fruit of their hard labour. Similarly the poor blanket weavers and utensil makers badly stand in need of the Government help and subsidies. The Government should see that they and many in the same category are no longer dependent on the loans frequently advanced by the money-lenders at usurious rates of interest. Here I may be allowed to mention that the Government has opened various industrial schools for boys and girls at different places in the province. But it is a pity that most of the students, who after completing their course of training leave these institutions, do not find capital enough to start their own enterprise. I am prepared to admit that the Government tries its level best to absorb as many of those students as possible in the various Government departments, but it is a fact that most of them for lack of necessary capital for buying tools and implements begin to rot in their homes like other educated unemployed persons. Their diplomas become scraps of paper having no worth or value. I crave leave to suggest here that these needy boy and girl students should be granted subsidies under the Act so that they may be

able to contribute to the national wealth of the province by starting their own enterprises. The girl students of these industrial institutions are made expert in toy-making, embroidery work, etc. etc. I think they should be helped by providing every possible financial assistance to start their own business. They will be able to teach lot of girls with the machines purchased by them by means of subsidies. Similarly if the boy students find it difficult for themselves to be employed by the Government or other factory owners they should be subsidized to buy their own machinery or tools and implements. In this way the Government would be able to save a large number of skilled labourers from rotting in their homes without work. I am sure the Government would, by properly distributing the proposed subsidies, help the province to make a steady advance towards industrialisation. The present enactment can be immensely useful for the industrial growth in the province if preference is given to these trained boy and girl students while granting subsidies for starting cottage industries. With these remarks I whole-heartedly support the motion under discussion.

Khan Bahadur Sardar Muhammad Hasan Khan Gurchani (Dera Ghazi Khan, South, Muhammadan, Rural), (*Urdu*): With your permission, Sir, I would like to say a few words with regard to the motion under discussion. It is gratifying to note that the Bill moved by the Honourable Minister of Development definitely aims at the removal of unemployment from the province. It is a matter of satisfaction that several honourable members of the House have most emphatically supported this measure. I also feel it my duty to make a few observations in respect to this piece of legislation with particular references to the district of Dera Ghazi Khan. It is indeed regrettable that whatever beneficent activities are undertaken by the Government only the people of the Central Punjab benefit by them, and the people of my ilaqa do not gain anything from such activities. Probably this step-motherly treatment that is being meted out to my district by the Government is due to its remoteness. The main local industries of that ilaqa are wood and copper works. Similarly, very fine carpets and durries are manufactured there. But since the artisans of that part of the province lack necessary capital they do not get proper benefit from their labour. Some 30 or 40 years ago the old city of Dera Ghazi Khan was ruined, and although the Government tried its level best to re-inhabitate it, yet its population has not considerably increased. Since the problem of unemployment is very acute there, I would confine my submissions only to the conditions obtaining in the city proper. In Dera Ghazi Khan wool is bought and sold in large quantities. The people residing in mountains as well as in plains of that ilaqa keep large flocks of goats and sheep. Similarly, the Baluchis of the district of Sibi follow the same occupation. These people generally live on the income derived from the sale of wool. The Hindu capitalists of other ilaqas visit the district and buy all the wool at a very nominal price. This wool is exported not only through Pishin but also through another southern route generally known as Chhachhar Pass. The latter route is the same by traversing which the British Government had occupied Baluchistan. Thus all the wool produced in the district finds its way out to other districts through both these routes. But it is a pity that despite huge production of wool in my district the real producers are not properly paid by the Hindu brokers. I am sure that if the Government were to distribute taccavis

[K. B. S. Muhammad Hassan Khan Gurchani.]

among those people or help them in starting factories their condition will be ameliorated. Again, very fine wood work is done in Jampur. It would be immensely useful for my district if the Government were so pleased as to grant subsidies under the Act to the carpenters of Jampur for starting their industries on a large scale. In fact *shisham* wood is easily available and skilled labourers are found in large numbers in that ilaqa. But what they badly stand in need of is capital. So, my respectful submission is that the Government should kindly favour my district by advancing loans and granting subsidies to the deserving persons. I hope that by advancing necessary capital to the skilled labourers unemployment would be entirely removed from my district. I am sure that if this measure is properly given effect to, the financial condition of the workers and other labourers would considerably be improved. With these works I would request the Honourable Minister in charge of the Bill not to forget my district at the time of the distribution of bounties and subsidies under the present measure.

Minister of Development (The Honourable Chaudhri Sir Chhotu Ram): Sir, I have not very much to say. As a matter of fact when the clauses of the amending Bill were under discussion, all the relevant and important points were discussed threadbare. I need only repeat that this is a very simple and straightforward Bill. It has three objects in view. The first is that while under the old Act subsidy was permissible only in the case of research, it is now extended also to village industries and cottage industries. That object has been achieved by making a suitable amendment. The second object is that under the old Act members of statutory agricultural tribes found it extremely difficult to secure any loan for themselves. The obstacle in the way was that under the Land Alienation Act they were not in a position to offer their land in security. Now that object has been achieved by adding a suitable amendment. The third object is that under the old section 24 it was open to a member of a joint Hindu family to repudiate all liability for a loan which may have been taken by the *karta* of the family. That difficulty also has been removed by proposing a suitable amendment to section 24.

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

With regard to what has been said by Sardar Kapoor Singh, I do not think I need say anything. Dr. Sir Gokul Chand Narang said a few things which were relevant, but practically half the portion of his speech was absolutely irrelevant. I will take no notice of the irrelevant portion of his speech. The relevant portion of his speech related to an undue amount of suspicion in him. He thought that this provision of a subsidy being given also to cottage industries and village industries might possibly be abused in order to oblige friends or those who were helpful to Government either in this House or outside the House. I deny emphatically that any reasonable valid ground exists for such an uncharitable suspicion. But some natures are unduly suspicious and Dr. Sir Gokul Chand Narang seems to have that particular type of nature. He also stated the facts of a case in which a certain amount of loan had at some by-gone time, been granted to a military officer on the condition of his maintaining and running a poultry farm, and as a result of later enquiries it was found that the military officer

had never done anything to establish or run a poultry farm. He further said that one day the commissioner took out his horse and rode to the place where the military officer was supposed to be running the farm and when he reached the place he found that a certain number of villagers were bringing baskets of chicken and so on. I am sure that now the public is much more wide awake than it was in the past and cases like the one which Dr. Sir Gokul Chand Narang quoted from his memory are not likely to recur.

With regard to the remarks made by Khawaja Ghulam Samad, I can only say that not only will no undeserving person get any subsidy but the real difficulty will be to find money for those who fully deserve a subsidy. We cannot make a very ample provision under the Act for subsidies. Therefore the real difficulty will be to meet the requirements of even those who are actually deserving of subsidy. There is absolutely no risk or danger of undeserving persons getting a subsidy. So far as money available for subsidies is concerned, I will certainly take care to see that the money is fairly and justly distributed not only among the various classes of the population but also among the various territorial portions of the province.

2 P. M.

Mr. Speaker : The question is—

That the Punjab State Aid to Industries (Amendment) Bill, as amended, be passed.

The motion was carried.

THAL (INCREASE IN VALUE) BILL.

Minister for Revenue (The Honourable Dr. Sir Sundar Singh Majithia) : Sir, I beg to move—

That the Punjab Thal (Increase in Value) Bill be taken into consideration at once.

In moving my motion I crave leave to say a few words as regards the project which is called the Thal Project work on which has already been started. (*Interruptions.*) Please do not interrupt me. I must ask the chair to stop this interruption. This project was mooted first in the earlier part of the 19th century sometime in the sixties and at that time the idea was to irrigate the lands which happened to be between the Indus and the Jhelum. Then, after that, a good deal of discussion took place as to the availability of water from the Indus for the purposes of the barrage. There were objections on the part of several irrigators who had to take water from the Indus. Moreover it was considered at that time that possibly in the winter season there would not be sufficient amount of water in the Indus to irrigate these lands and that it would not be possible to build a barrage without affecting other irrigators who had a right to the waters of the Indus. In the settlement of 1877-78 something like 20 lakhs acres of land was given to these people for the purposes of grazing at a rental of Rs. 24,667 a year. The people who got this land were required not to cultivate this land but simply use it for the purposes of grazing and to keep it in trust for the Government till the colonization of this area when it was to be taken back. I will remind my friends that at the time of Sir William (then Mr.) Macworth Young who was the Financial Commissioner in the Punjab in the year 1900, a Bill was passed called the Sind Sagar Doab Act under which all the area was to be taken back by the Government to start the project, when one-fourth of the land, after colonization, was to be given back to the people from

[Minister for Revenue.]

whom the land had been taken. This is the genesis of Mr. Young's Bill. That Bill remained in force for some time. But, as I have said, there were objections on behalf of Sind then under the Government of Bombay that unless and until they were able to build a barrage the water of the Sindh river should not be disturbed. At that time the Sind Barrage Committee decided that for ten years no action should be taken except to find the gauges of water of the Indus to find out how much water was available and what distribution of water could take place between the Punjab and the other irrigators. This matter was finally considered and the Bill was passed. There were several difficulties in the way of building this Thal Project. The idea was that after the Haveli Project was completed, the Thal Project should be taken in hand. True to that promise, soon after the completion of the Haveli Project, the Government shifted its engineering staff to the Thal and the work of the barrage was started. We had hoped that this barrage would be finished in as short a time as we had tried to finish the Haveli Project, but the war having started, we found difficulties in the way of getting material necessary to build the barrage. Therefore the work had to be slowed down to some extent so as to meet the conditions created by the war in the obtaining of the material. In 1929 Sir Fazi-i-Husain finding that the barrage could not be built at an early date did the only right thing that was possible for him to do at that time; he repealed the Act under which a good deal of land was to be taken away from the people for the purposes of building the barrage. I may be permitted to read what he said at that time :—

Government realised that if at any time, it may be 15 years hence or more, it were found that some water was available to have an irrigation scheme for the Sind Sagar Doab Canal although the scheme is extremely expensive and the usual rates prevailing would not permit Government to take up that scheme, the representatives of the people of the province will no doubt be ready at that time to agree to such steps being adopted as would make that scheme a practicable scheme. Therefore it was felt that the higher rates would be as good a substitute as Government would demand from the present Act which is going to be repealed. The Sind Sagar Doab is the only one in the Punjab left outside the benefits of irrigation and when the time arrives, I have no doubt Government and the representatives of the people will co-operate to bring this Sind Sagar Doab under irrigation.

Now, Sir, in 1926 a resolution was moved in the Council to this effect—

This Council recommends to the Government to forthwith prepare the Sind Sagar Doab Irrigation Scheme commonly known as the Lesser Thal—

I may explain here that there was a bigger scheme in which nearly 16,000 cusecs of water were to be taken from the Indus river, but the lesser scheme was to take about 6,000 cusecs and that was called the Lesser Thal Scheme—

—Commonly known as the Lesser Thal Project and submit the same to the Government of India and the Secretary of State in good time for sanction with a view to begin its construction along with the Haveli Project as soon as the Haveli Project is well nigh completed.

Now speaking for the resolution Mr. Nurullah said—

I have documentary proof in my hand and I can assert with authority that the owners are willing to offer to part with one-fifth of their chamilat and banjar land which is only fair or to pay higher rates whichever the Government would like.

The position now is that in completing this scheme the amount involved is a big one. It was estimated in 1926 to cost about Rs. 5,08,39,000 in order that the scheme may be financially productive. A proposal was put forward to levy a permanent additional capital charge of one rupee per irrigated acre of land brought under irrigation. Later on it was found that this estimate would not be enough to carry out the project. It was later estimated to cost about 9 crores and still later it went up to 18 crores to get 16,000 cusecs of water. But in 1925, as I said, the Lesser Thal of 6,000 cusecs was estimated to cost 7 crores. We had hoped that the experience we had gained in building the Haveli Project would come in very handy and that we shall be able to build the Thal Project at a lesser cost than was originally estimated. Originally the idea was that there should be a canal 300 feet broad at the basis and about 12 feet deep. But in building a lined canal we have found that we can carry the same amount of water through a less deep canal than through the katcha canals built hitherto in other parts of the province. My honourable friends know that the Haveli Project has stood the test of great floods. At one time I was feeling very anxious when one night at 11 o'clock I got a report that the bund had burst. I was afraid that the whole area at Trimmu would be inundated and that there would be several casualties by drowning. But nothing of the sort happened. The canal stood the test to which it was put by the breaking of the bund at the time. My idea is that in the case of this project if we have a lined canal we should have finished it in half the time and at a much lower cost than what was originally estimated. I am told that in building a pre-ca canal we shall have to spend $2\frac{1}{2}$ crores more than we shall have to spend in building a katcha canal. It is expected that by lining the canal we may be able to save something like one crore and thirty lakhs. But things are against us. The war has upset the whole of our plans with the result that the work has been progressing slower than it should have been otherwise and it is also possible that the whole cost may go up, on account of the higher wages and higher cost of material for piling that we have to pay. All the same these considerations do not deter us from our idea of completing the canal. But how is the money to be found? My friends will realise that land in this area has been purchased by people at the nominal price of four annas per acre. The idea that a canal is going to be built has raised the price to Rs. 30 an acre. The Government estimate is that if the project is completed the cost of land will go up to Rs. 150 an acre. That is the minimum price. It is possible that the price may go up still higher. The original position was that if the project was completed and the area brought under cultivation we would take not more than three fourths of the land from the owners. It will now be found that we charge only Rs. 30 per acre for the Rs. 150 that the land will fetch in value after the construction of the canal. So, the amount of Rs. 30 put in the Bill cannot be said to be a heavy charge on the resources of the people who would be benefited by the scheme. I may also say that it is possible that instead of taking the Rs. 30 all at once, we may take it in instalments. The question in how many instalments the payment should be made will be dealt with in the rules. (*Interruption.*) I may inform the honourable member that he cannot butter both sides of his toast, because we are going to spend a good amount of money and we will have to pay a good deal of interest on the loans that we will have to raise for the construction of the scheme and it is only fair that those

[Minister for Revenue.]

who are going to benefit by this scheme should pay their share. But I may say at the same time that if the people do not want water from the canal they need not pay anything for it. I do not think anybody either in this House or outside will say that he does not want canal water. I may just mention by the way that people in Hissar, in the eastern parts of the district have all the time been pressing me to carry water to the thirsting parts of the district.

Similarly the boon of this water is to be carried to the people in the Thal area. What does Thal indicate? It means that in the tract of land there is a large amount of sand; but that does not mean that the large amount of sand has affected the good quality of land. Therefore the principle underlying this Bill is that Government should take that portion of the excess profits which the people of that area will gain on account of the increased productivity of their lands by taking water to their thirsty lands. Therefore the proposals that have been put forward in this Bill are such that they require a sympathetic consideration of the House and I am sure that when this Bill becomes an Act, it would give great benefit to this area as the building of barrages is coming to an end, in future no further barrages being built.

I think I may just mention that I had an idea of putting the Bill before a select committee for any further improvement that may be required in considering the provision of this Bill and I will be willing to make the motion that this Bill be referred to a select committee and I will do so a little later.

Mr. Speaker : The motion moved is—

That the Punjab Thal (Increase in Value) Bill be taken into consideration at once.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : Sir, I beg to move an amendment to the motion of the Honourable the Minister. The amendment which I beg to move is—

That the Punjab Thal (Increase in Value) Bill be circulated for the purpose of eliciting public opinion thereon by the 1st of May, 1940.

My honourable friend has been for the most part inaudible to this part of the House, yet I have tried to follow him very closely and attentively. He has given us the history behind the Thal irrigation project. I too have gone through the volumes of the debate concerning this subject and, therefore, I have been able to catch the idea behind my honourable friend's speech, otherwise it would not have been possible for me to understand him. There is a similar motion in the name of my honourable friend Sardar Partap Singh and another motion in the name of Mr. Dev Raj Sethi, which is very explicit on the subject. In this motion the idea underlying the circulation motion is given in black and white. The object of this motion is to find out the opinion of the landlords (big and small), occupancy tenants, tenants-at-will, and other persons of the districts concerned with the project and their reaction to the new principle embodied in this Bill.

With regard to the principle of taxation, let me say at the very outset that we agree with the principle of taxing the local people, the people who will be benefited by this scheme. We are not averse to that principle. Those people, who live in the Thal area should be taxed in order that the

works may be carried out and the people may be benefited. There are no two opinions about this. The whole province should not be taxed in order to benefit only a local area. We agree with this principle, but we do not agree with the principle proposed in this Bill as to the mode of taxation, as to the mode of distribution of taxes and as to the manner in which that tax is to be spread over a certain period. We disagree on these three fundamental things.

Before we proceed further let us have a look at the Statement of Objects and Reasons, as given in the copy of the Bill supplied to us. It is given there that there is now a keen and general demand from the people of the Mianwali, Muzaffargarh and Shahpur districts, who will benefit by it, for the project to be carried through as quickly as possible. There is a very keen demand, no doubt, and the people want that the project should be carried out as soon as possible and that they may be able to irrigate their lands, so that they may reap rich harvests. But what is the harm in sending this Bill to these people to the landlords, tenants, tenants-at-will for inviting their opinion as to the mode of taxation, as to the distribution of taxes and as to the period over which this tax should be spread. What harm will be done; what harm would have been done if a few months earlier he had circulated this Bill to these people for their opinion?

What amount does this motion raise? The amount raised under this legislation would be to the tune of 2½ crores for lining the canals that are going to be dug in that area in order to prevent waterlogging. Waterlogging is a very serious complaint of all canal irrigated areas in the Punjab and one of the ways by which the waterlogging can be prevented and can be met is the lining of canals. The Waterlogging Committee that was appointed by this Government to suggest measures against waterlogging or for preventing waterlogging, suggested this as one of the methods that the canals may be lined. But the canals all over the Punjab cannot be lined in 1, 2, 3, 4 or 5 years. It will take time. We are told that about 37 crores of rupees have been spent by the Punjab Government up till now in digging the canals and the same amount of money will be required for lining the canals. (*A voice* : 50 crores.) We shall be very glad to see the consummation of that suggestion, but the Government cannot carry out this scheme of lining canals at once or in a day. The canals were not dug in one day. And why not carry out the scheme of lining all canals by parts or by stages and finish them say, in 15, 20 or 25 years? (*Minister for Revenue* : Double expense.) Is it not a fact that he wants 2½ crores of rupees for preventing waterlogging by lining the canals? Where does the question of double expense come in? Anyhow, this is my point of view. It may be different from my honourable friend's point of view.

Further on we are told that the project must not be a burden on provincial revenues. We are glad to know that the Honourable Ministers have realised the fact that after the burden of their salaries, bungalows and so on and so forth is placed on the provincial revenues, no further burden can be borne by the provincial revenues. As I say, we are glad that they have after all realised this fact.

Minister of Revenue : I never said that.

Sardar Hari Singh : The Government proposes to collect two and a half crores of rupees by levying a flat tax at the rate of rupees thirty on each Thal area. This tax will fall on those who hold one acre of land or ten acres of land or 1,000 acres. The incidence will be the same. Everybody will have to pay up to Rs. 30 per acre and no one will be exempted. I hear that many big guns and big bosses of the Unionist Party and their allies—Hindus and Sikhs—have purchased land in that area to the tune of thousands of acres and the Government has made persistent efforts to bring that land under irrigation in order that those big bosses may benefit from that scheme. The Government at the moment is being run by big bosses—land-lords—who want to levy taxes in order to irrigate their areas—so that their thousands and lakhs of acres may be irrigated and they may get more income from those lands. But they should not tax all the people alike. The poor people and the big landlords should not all be burdened equally. The incidence of taxation should not be the same for all. Let there be exemption for small holders and let there be a definite mode of distribution and definite period of time for which this tax has to be levied. There should be reasonableness in this matter. But who is to tell you what sort of burden they can bear, what mode of distribution should be embodied in the Bill? The opinion of those who are going to bear the burden should be elicited before you proceed with the Bill. That is our contention. The Honourable Minister in charge has not cited all the history which is behind his project. Let me supplement him to a certain extent so as to clarify the position. There have been persistent efforts to irrigate that area and perhaps this is the ninth or tenth time when a fresh attempt has been made as was done by the spider in that famous story. The conception of the idea to irrigate the land is three-fourths of a century old. It was in the year 1871 that for the first time the idea to irrigate this sandy land was conceived by the then administrators. Later on in the years 1881, 1887, 1892 and 1902 schemes were hatched, but they could not be carried out. The Government of India would not sanction those schemes. In the year 1915 another attempt was made but the project was not taken up. In the year 1920, after the War was over, the idea was again taken up but the Government of India could not sanction the scheme. This scheme was again taken up after the year 1930 and now my honourable friend wants to give finishing touches to the scheme by raising 2½ crores of rupees by means of this Bill. My honourable friend has quoted the speech of Sir Fazl-i-Husain which I also wish to quote but with another purpose. The last sentence of the speech is—

Therefore, it was felt that higher rates would be as good a substitute as Government would demand for the present Act which is going to be repealed.

That speech was made on the occasion of the repeal of the Sind Sagar Colonization Act in the year 1929 in the Punjab Legislative Council. So, what was envisaged by the then Revenue Member when this Act was repealed? Did he envisage thirty rupees per acre as taxation on the poor and the rich alike? What he envisaged was that increased water rates would be realised from the people in order to cover the expenses in connection with the scheme. At that time there was no understanding as to so much per acre as tax would be collected from the people. Further on, this Bill was referred to the select committee. I may tell you in passing that this repealing Bill was a non-official measure moved by the Honourable

Chaudhri Zafrullah Khan. We find the following remarks in the select committee's report :—

Mian Shah Nawaz attended by invitation.

Mian Shah Nawaz, who held hundreds of acres of land in Thal area, was not then a member of the Council, at least he was not a member of the select committee and, therefore, he was specially invited to attend the proceedings. The select committee's report says—

Mian Shah Nawaz attended by invitation and on behalf of the proprietors owning the *shamilat* areas under agreement urged the repeal of the Acts in question and proposed that amendments will not satisfy the proprietors.

What the Government at that time wanted was that these Acts should not be repealed but should be amended in a manner satisfactory to the Government and to the people but the people wanted to go the whole hog and wanted the repeal of these Bills altogether. So, a deputation of the proprietors of Thal area led by Mian Shah Nawaz—perhaps one of the big proprietors in that area—urged that these Acts should be repealed. So, the non-official opinion of the committee strongly advocated the total repeal of the Thal Acts. In deference to this expression of non-official opinion, the official members were not prepared to offer any opposition. So those administrators—the Revenue Member then in office and other members of the Government—who were very responsive to public opinion as expressed by the deputation led by Mian Shah Nawaz—repealed the Sind Sagar Doab Colonization Act of 1902 and Sind Sagar Colonization (Amendment) Act of 1904 at the instance of the proprietors of that area and at that time no understanding was embodied either in the repealing Bill or in the select committee's report or in the speeches made by the non-official spokesmen and the Honourable Revenue Member of that Government. Only a hint as to the future conduct of this scheme was given in Sir Fazl-i-Husain's speech that whenever good times arrive and Government have funds for carrying out the project, then this scheme will be taken in hand and the amount necessary for financing the scheme will be realised by increased water rates. There was then no talk of taxing the people to the tune of thirty rupees per acre.

Malik Barkat Ali : Was there any idea of lining the canals at that time?

Sardar Hari Singh : Lining of canals is also connected with irrigation project, it is not a separate item. From this copy of the Bill, I find that it is dated the 26th January—a day which is considered most auspicious because it is the day of national independence. That day brought the message of hope, the message of freedom from economic misery, exploitation and taxation of the people of this great country, but here in the Punjab this Bill was born on 26th January.

Malik Barkat Ali : Published on 25th.

Sardar Hari Singh : It is dated the 26th January. It saw the light of the day in the precincts of our Chamber on 26th January but, on the other hand, it brought the message of taxation to the tune of 2½ crores of rupees. I am not opposed to taxation for the benefit of those people, I am not opposed to blind taxation—a blind mode of taxing the people

S. Hari Singh.]

arrived at by the Government in its own chamber without consulting the people who are going to be taxed.

Further on, Mr. Speaker, this Bill, no doubt, in the history of taxation in this country or at least in this province, does embody a new principle, a principle of taxing increased value of land, which may be a very good principle in certain circumstances, in certain countries and for certain purposes. But because it is a novel principle and it is a departure from the principle of taxation that is already being followed in this province, therefore, it requires serious consideration. No hasty steps should be taken on the basis of this new principle. Because it is a novel departure, therefore, people who are going to be affected by this new principle must have their say before this new principle is applied.

Minister for Revenue : These things have been said twenty times. It is the same argument.

Sardar Hari Singh : Which is the very same.

Minister : Repetition is going on.

Sardar Hari Singh : I have not repeated a single argument.

Minister : The honourable member has said several times that the people should be consulted.

Sardar Hari Singh : I would say it a thousand times.

Minister : You may say it a hundred thousand times.

Sardar Hari Singh : My honourable friend does not know what the motion is? My motion is that this Bill should be circulated for eliciting public opinion.

Minister : I am not a child to be told this.

Sardar Hari Singh : I am giving my arguments why this Bill must be circulated for the purpose of eliciting public opinion. I shall give one argument, then the second, third, fourth, fifth and so on and so forth and a hundred arguments.

Minister : Do not go on repeating the same thing over and over again.

Sardar Hari Singh : After every argument I shall say that this Bill should be circulated for the purpose of eliciting public opinion and that people must be consulted. My honourable friend has reminded me of a story that he might have read in his childhood.

Minister : I was not a student of yours. You were not born then. (Laughter.)

Sardar Hari Singh : I would like you to become my student now (laughter), at least in parliamentary decorum, parliamentary manners, parliamentary polish and parliamentary procedure. What I was going to urge was that because a novel principle is embodied in this legislation, therefore, before it is given effect to and before it becomes a permanent measure on the Statute Book of this province and before it forms a precedent for taxation, we must and the people at large, who are going to be affected by this Bill, must see all the implications, all the consequences and *pros and cons* of this legislation before it is considered by this House. Perhaps my honourable

friend has taken a cue from the Excess Profits Taxation Bill proposed by the British Government or proposed by the Indian Government. There deduction is going to be made from the excess profits, but in this case excess profits arise only in case when land is sold to another person. My honourable friend or any of his friends might have bought the land for one thousand rupees and if it fetches 10 lakhs of rupees now— (An honourable member: Should they not be taxed?) Yes, in that case they should be taxed even to the tune of 50 per cent of the profits they get. If they get 10 lakhs, instead of one thousand, five lakhs should fill the provincial coffers. But my honourable friend does not talk of sale of land or profit on sales. Perhaps he wants to save those big speculators who have got thousands of acres of land by taxing the smaller fry and the bigger fry all alike. He will tax a man who has five acres of land, a tiller of the soil, a poor fellow, to the tune of 150 rupees, and he will also tax in the same fashion, by the same mode, in the same manner, the blood-sucking big landlords and speculators who might have bought thousands of acres of land at a paltry price and which might fetch lakhs of rupees now, to the tune of 80 rupees per acre. We want that smaller people should be exempted from the payment of the tax altogether and the bigger people should be taxed up to the limit of 50 per cent. That is the difference between my honourable friend over there and the honourable members on this side. We are not opposed to this taxation. But do it in a reasonable manner, in a proper manner. I would put a question to my honourable friend. Up till now the policy of Government has been to finance expenditure of this nature which is known as capital expenditure by floating loans and not by burdening the provincial revenues. May I ask if they have lost credit in the money market where they cannot raise sufficient loan for financing the scheme and then in a period of five years get back this money from the people of that area and also pay interest on that money?

Moreover, in this measure the collector is the sole authority to assess the amount of tax due from certain landlord. In every legislation that has been passed by this House, the collector has been made the sole judge. He is to collect, he is to assess, he is to recover, he is to use his powers to recover the amount and he is the sole god in every legislation. The collector against whom the public of the province is sufficiently prejudiced should not be given the power of assessing and collecting the tax in this Bill. My honourable friend may appoint an assessment board consisting of three impartial judges—not collectors of ordinary calibre, who may favour some and show disfavour to others—but those who would hold the scales even between the smaller landlord and the bigger landlord, and it should not consist of people who can be influenced by big people. The board should be appointed for, say, five years or for whatever period my honourable friend requires that board for assessment purposes. Unless an assessment board, which can inspire public confidence among the landholders of that area is appointed, this pernicious feature of the Bill, that the collector must assess, realise, collect and recover, is not going to help the Government to inspire public confidence. With these words I move my motion.

Mr. Speaker : Motion under consideration amendment moved is—

That the Punjab Thal (Increase in Value) Bill be circulated for the purpose of eliciting public opinion thereon by the 1st of May, 1940.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, the Sind Sagar Doab Project has been a subject of serious discussion for the last three-fourths of a century. It is a matter of gratification that the Government has made strenuous efforts and constant endeavours in this connection during all this long period. Right up till 1878 the whole area was in fact a crown land. The history of the project tells us that in that year 1,931,543 acres of land were distributed among the inhabitants of that *ilaga* on the condition that they would have to pay a grazing revenue of Rs. 24,000 a year. The people had no right to cultivate this land, which in fact was given to them in trust, until the area could be colonized. In fact some rights of those grantees were established. At that time hopes were held out to them that efforts would be made to supply them with water from the Indus. Consequently different projects were considered at different times for the purpose. In 1915 Middleton's Project was drawn out; in 1919 Wood's project was thought out; in 1924 Young's project was examined and in 1925 Sangster's project was scrutinised. At one time it was thought that the project would be able to irrigate as many as 20 lakhs of acres of land. We were told that a 12-feet deep canal with a slope of one in ten thousand feet would be able to discharge 14 thousand cusecs of water. It was estimated that the project would cost as much as Rs. 9,29,00,000. In the meantime various difficulties cropped up. Since the Indus river serves as a border line between the provinces of the Punjab and Sind a dispute arose with regard to the distribution of the water of the river. The Punjab Government pursued the matter and at long last the present project was properly scrutinized in 1936. No indication of the project was given in the last general budget estimates. Who does not know that in July last under Government orders actual construction of the project was taken in hand and it was in November last that we first came to know of it through the first Supplementary Estimates. At that time I expressed my serious doubts with regard to the economic aspects of the project. In fact we have every sympathy with the people of the districts of Muaffargarh, Shahpur and Mianwali and therefore, we do not want to take exception to this project, but I would like to acquaint the House with the real facts. I would challenge the Honourable Minister of Revenue now, as I did then, to prove that this project would be productive. On the previous occasions we were given an assurance to the effect that it would not only meet its own expenditure but also prove productive for the Government. But to-day we are told that a tax shall be levied at the rate of Rs. 30 per acre on the landowners for collecting the necessary sum which is likely to be spent on the lining of the main canal and branches in order to prevent waterlogging. I fail to understand why the Government has gone back upon its assurances and brought forward this measure which seeks to levy a tax to the tune of 2½ crores of rupees. Now I ask in all seriousness whether the Government is sure that the conditions which were obtaining in the province in November last are not prevailing now. May we know what new factor has been introduced to justify a change in estimates? Does the Government think that due to the outbreak of war those conditions have completely changed? Does the Government think that the prices have now gone up? Was the scheme of lining the main canals and branches an afterthought? I may assure the Government that the prices have not considerably gone up. Moreover in November also the war was in full swing and the idea of lining was a matter

of serious consideration at that time, and still the Government was in a position to assure us that the project was a productive one and that it did not necessitate any further taxation. In fact we are strongly in favour of such a project, but I feel constrained to say that sometimes the Government holds out high hopes to the landowners and at other times these hopes are withheld. They are made to vacillate between hope and despair. In 1878 these people were granted lands on the condition of a very nominal grazing revenue, but under the Sind Sagar Colonization Act of 1902 three-fourths of the land, including *shamilat*, was taken back by the Government. The latter assured the owners of the remaining one-fourth area that they would be supplied with water for irrigation purposes in due course. In short from 1902 to 1929 the people of that *ilaga* entertained high hopes in the matter. They were poor, destitute and ignorant persons and the Government by exploiting their ignorance and poverty slept over the matter for several years. At long last according to the findings of the Indus Discharge Committee appointed by the Government of India execution of this project was permitted for irrigating only 8 lakh acres of land instead of 20 lakh acres. It resolved to make arrangements for supplying 6,000 cusecs of water. But even at the last moment I had serious doubts about its success. On the previous occasion I submitted that the Sind Government had made a strong protest to the Central Government for preventing the Punjab Government from utilizing the Indus water. Although the Government assured us that no such obstacle would stand in the way, yet on the following day we heard this Radio news that the Sind Government had in fact done so, and the Central Government proposed to give favourable consideration to it. In fact I approve of the policy of the Government to derive as much benefit as it can by way of *Sikha Shahi* (Laughter). (A voice : *Sikha Shahi* ?) No, not by way of *Sikha Shahi*, but by way of *Jutta Shahi*. (Minister of Revenue : And why not by way of *Lala Shahi* ?) (Renewed laughter.) Now, Sir, we are told that instead of 14,000 only 6,000 cusecs of water would be made available to those dry and parched *ilagas*.

3 p. m. The project says that about eight crores of rupees would be spent for the purposes of irrigating eight lakhs of acres which means Government would have to spend Rs. 100 per acre in that *ilaga*. It is only the tax-payers who will bear the brunt and I would submit that to spend Rs. 100 per acre is just like spilling milk on desert lands. Then the Honourable Revenue Minister has not told us whether these are the revised charges. Now let me ask him what is the necessity of charging Rs. 80 per acre. It is clear in the Thal Project Report that if we get a loan even at 4 per cent, it will be a productive project.

It is quite possible that at present Government may be able to raise loans at the rate of 3 per cent as it is given in the Thal Project Report—

Loans can at present be raised in the open market at rate of interest even lower than 4 per cent.

Statement VI, therefore, gives a true picture of the productivity of the project. According to this statement, the Project will pay a return of 5.18 per cent.

If it is true that on the loans at the rate of 4 per cent the project will pay a return of 5.18 per cent, then may I ask what is the necessity of charg-

[Mr. Dev Raj Sethi.]

ing Rs. 30 per acre from the people of that *ilaga*. It has further been said in the same Report that—

If one rupee per acre of matured crops is charged as initial capital charge or the land revenue is raised to Rs. 3 per acre then the project will pay a return of 6·87 on the sum at charge.

Then the Report says—

It may be mentioned that both the expenditure and the revenue estimates are on the safe side.

It means that both the estimates of expenditure and revenue have been cautiously prepared. For instance, the estimate made in regard to the lining is still the same. Not to speak of this estimate, even the other estimates have not been revised. Sir, as you are aware the estimates were made in November, and I do not know what changes have taken place since then which have forced the Government to impose a levy on the people of this area. After all this has not been a new thing for the Government as 38 crores of rupees have already been spent on similar irrigation purposes in the Punjab. I am at a loss to understand why the Government have admitted this principle to come into existence by the back door. If the Government had asked the people to pay this sort of tax before starting the project, they would have realised where they stood and would have also known that the zamindars were opposed to this tax tooth and nail. But now when the contractors have started their work, the Government comes forward with loaded pistol and asks the zamindars concerned to agree to pay Rs. 30 per acre as a tax. As they have now been put in a dilemma, how can they refuse? This is no time for them to cry over spilt milk, and I do not think there is any justification in asking the poor zamindars who have been waiting for this project for the last so many years, to pay Rs. 30 by instalments which the Revenue Minister may fix. As my honourable friend Sardar Hari Singh has remarked, this sort of increment is not levied on appreciated value, but it is imposed on excess profit as the Government of India is doing. At the same time it is very strange that the Punjab Government is imposing it on the capitalised value of the project. Under these conditions it is quite possible that the Government may come forward to-morrow again with a similar demand or for more taxation.

Before I finish my speech I should like to make another submission with regard to the poor tenants. Sir, not to speak of landowners, even the occupancy tenants have not been left unaffected. They have also been involved in this Bill which is quite silent as far as the betterment of tenants is concerned. Nothing has been done for their protection. Let me therefore, ask the Minister in charge if he is aware of the fact that the poor zamindars of the Mianwali district depend entirely upon agriculture and they have to pay many taxes and bear heavy expenditure. With these considerations in view, I should request him to think twice before he passes this Bill. To-day complaints are coming from the people of the Thal Project and Sind Sagar Doab area, to-morrow he will have thousands of complaints of similar nature from the people of Bhakra Dam Scheme when their hopes will similarly be dashed to the ground. If the people of the Mianwali district raise objections, I think they are justified in doing so. My honourable friend

Nawab Muzaffar Khan can say that the price of land in my *ilaga* has risen to the extent of Rs. 200 per acre. Why has it then been exempted from the levy of a tax ?

I may submit that only recently a square of land was sold for Rs. 16,000. I would ask the Government why the tax has not been levied on the people of other *ilagas* where also the price of land has risen. What does this invidious discrimination mean ? If the tax is at all necessary it may be levied on the actual scales in *ilaga* whose price and value both have increased. But it is not fair to drive everybody with the same stick as the mother who treats her children differently is known as a *Dyan* and she is not considered to be a good mother. Besides, the Bill that is before the House shows that its mover, the Honourable Minister of Revenue, although advanced in age is second to none in proving himself very active in certain matters. For instance, he has tabled a motion that the Bill should be taken into consideration at once, which means that the Government is not going to give time to the people concerned to express their opinion on a matter which for the people of Mianwali and other districts is a question of life and death.

It is a matter of great satisfaction that after all the Government have listened to reason and have made up their mind to refer the Punjab Thal (Increase in Value) Bill to a Select Committee. I congratulate the Honourable Minister that at last wisdom has dawned on him.

Then there is another question which I wish to bring to the notice of the honourable members. That is that the area which is likely to benefit by means of this project exceeds eight lakhs of acres. Out of it about two lakhs of acres are crown lands and they will be exempt from the operation of the proposed measure. In this connection I may point out that only recently the Government obtained a sum of 15 lakhs of rupees by selling crown lands elsewhere. Now if these two lakhs of acres are also sold in view of the probable increase in the value of land, as has been pointed out by the Honourable Minister for Revenue, at rupees 150 per acre, the Government will get something like three crores of rupees. The total expense that would be incurred on the project would be something like eight crores of rupees and if these three crores of rupees are entered on the receipt side the remaining sum would come to five crores only. Moreover it has been pointed out in the Thal Report that in the tenth year of opening of the canals the irrigated area will be near about 8 lakhs of acres. After deducting Rs. 19,80,000 as working expenses, the net income of the Government comes to Rs. 41,56,480 which means that the project will be able to pay six per cent on the capital in ten years after its completion. In my opinion this six per cent profit is quite sufficient. I may add that in these days even big moneylenders are pleased if they get six per cent interest on their capital, but I think a Jat Revenue Minister should rest contented with even less than that.

Besides, it has been pointed out in the Bill now before the House that 2½ crores of rupees would be spent for lining the canals in order to prevent waterlogging in the Thal area which has caused widespread damage elsewhere. I remember that last time when the Supplementary Estimates were presented to this House I asked the Honourable Minister whether

[Mr. Dev Raj Sethi.]

he and his experts were sure that by lining the canals waterlogging could be done away with. But he did not care to answer my question. In this connection, I may point out that I have seen reports of the Department of Irrigation Research wherein it is stated that waterlogging is not caused solely on account of kachcha canals. On the other hand, mostly it is caused because of defective drainage system in the rural areas and railway lines which prevent rain water from flowing away. In the circumstances I do not think that even after the incurring of this huge expenditure of 2½ crores of rupees the Sind Sagar Doab can be saved from this nuisance. As a matter of fact neither the past experience nor the reports of the Department of Irrigation Research support this contention that waterlogging is caused mainly by canals. In addition if the honourable members study the waterlogging charts of the last 25 or 30 years they will find that waterlogging runs parallel to those *ilagas* where there is defective drainage system. The Honourable Minister is expressing his surprise by motion of his head, but I assure him that at some time in the future I will adduce proofs in support of my contention from the reports of his own departments and I will also place before him such charts which will prove my contention to the hilt.

Then, again, I may point out that the Unionist Government which claims to be the well-wishers of the poor zamindars has made no difference between big zamindars who own from 200 to 300 squares of land and small landholders who possess only 8, 10 or 15 acres of land. Not to speak of making any difference between big and small landholders the Government have not exempted the occupancy tenants and tenants-at-will from the payment of this increase in value charge. The Bill as it stands treats the rich and the poor alike whether they own only one acre or two hundred acres. This is sheer injustice. In my opinion the zamindars whose possessions are less than 25 acres, should be exempted from the payment of this charge. I for one will have no objection if big landholders who own 100 or 200 squares of land pay two or three lakhs of rupees by way of this increase in value charge to the Government. But I cannot tolerate that the poor zamindars should be forced to pay it. In this connection I may also point out that even the occupancy tenants will not be spared and they shall have to pay this charge along with other zamindars even though they have no proprietary rights. I appeal to the Government in the name of justice and fairplay to exempt them from the operation of this Bill. I think it would be better if this Bill is circulated for eliciting public opinion thereon. After all the people who have been waiting for getting this canal water for the last twenty-five years should be allowed to express their opinion with regard to this Bill which directly affects their interests. The whole truth of the matter is that the Government is adopting a strange procedure inasmuch as they want to introduce and pass this Bill on one and the same day. In view of this, I request the Government that before enacting this measure into law it would be better if zamindars concerned are asked to express their opinion about it. If the Government agree to this suggestion, the people would be content that at least the Government had consulted them in the matter. I think there will be no harm if the Government inquire from the people whether they are prepared to part with one-fifth of their lands or want to pay Rs. 30 per acre. But they have done nothing of the kind.

They straightaway want the people to pay Rs. 30 per acre. Do Government think that if they ask the zamindars to express their opinion about it they will refuse to pay this tax? I think there is no room for entertaining any such doubt. My honourable friend Mian Nurullah rightly pointed out on the floor of the Legislative Council that he had documentary evidence in his hand to show that the owners of lands were willing to either part with one-fifth of their *shamlat* and *banyar* lands or to pay higher rates, whichever the Government would like. The truth of the matter is that at that time the people were asked to express their opinion and I do not think that now any calamity has befallen the Government to justify this procedure. After all 75 years have passed since the people have been waiting for this project and if now the Government postpones this measure for one or two months more, I assure them that heavens will not fall.

In the end, I may point out that if we have moved that the Punjab Thal (Increase in Value) Bill be circulated for eliciting public opinion thereon, that does not mean that we are pursuing dilatory tactics in order to postpone the enactment of this measure. As a matter of fact this is far from our intention. On the other hand, it is our earnest desire that every drop of the water of the Indus should be made available in the Punjab and even if by this the Sukkar Barrage starves, we will not mind it at all. But what we want is that the Government should take these steps in consultation with the people. With these words I support the circulation motion.

Mr. Speaker : I have received notice of the following amendment from Khan Bahadur Mian Mushtaq Ahmad Gurmani—

That the Punjab Thal (Increase in Value) Bill be referred to a select committee.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Muzaffargarh North, Muhammadan, Rural) : Sir, I beg to move—

That the Punjab Thal (Increase in Value) Bill be referred to a select committee.

Sardar Kapoor Singh : There cannot be two motions before the House.

Mr. Speaker : A motion comes before the House, only when it is proposed from the chair.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, this Bill is of a unique character as it has no parallel in the history of Indian legislation. It involves a new principle which has never been applied by any Government in this country so far. The Bill has a double-fold object; firstly, to enable the Government to share the profits accruing from the rise in the value of privately owned lands as a result of the introduction of irrigation in the Thal area, secondly, to ensure the financial soundness of the scheme so that it may not at any time become a burden on the provincial exchequer. The Government has decided to line the main canals and branches in order to prevent waterlogging which has caused wide-spread damage elsewhere, and to make the fullest possible use of the comparatively limited supply of water from the Indus during the cold weather. The lining will cost nearly 24 crores and there is some apprehension that with the addition of this expenditure the project may no longer prove productive. To safeguard against any such contingency it is proposed to increase the receipts by the imposition

[K. B. Mushtaq Ahmad Gurmani.]

of tax on lands which will benefit from the project. The new principle involved may be summed up as follows :—

- (1) That any scheme for the benefit or economic betterment of the inhabitants of a particular area should not prove a burden on the province as a whole and that the people concerned should make good any losses that may result from such undertaking.
- (2) That the Government should have a direct share in the unearned increment in the value of any property.

Both these principles are new and have not been followed in this province so far. The losses resulting from similar undertakings have always been made good from the provincial exchequer. I might mention the Mandi Hydro-Electric Scheme and the Sutlej Valley Project as instances of the recent past. The Mandi Hydro-Electric Scheme, which benefits only a part of the province, is still unproductive. The losses accruing from this scheme are being shared by the whole of the province while the benefit goes only to a limited area. Similarly the losses from the Sutlej Valley Project in the first few years were borne by the provincial exchequer although the benefit of the scheme went only to a particular area. I do not recollect any instance in which the Government had directly shared the profits from unearned increment in the value of any private property, either movable or immovable. But in regard to Thal Project, the Government has deemed it fit to adopt a new principle. The only explanation that comes to my mind for this change in the policy of the Government is that old economic and political theories are being replaced by new ones. New principles and doctrines are being enunciated and adopted by nations and in this "world of change" revolutionary changes are taking place with great rapidity. We shall also have to move willingly or unwillingly with the time. We have no option but to reconcile ourselves to these new principles and bow before the new order. The Government has made it a condition precedent to the construction of the Thal Project that the people who will be benefited by this scheme should contribute the amount which may be needed for making it productive. The honourable members perhaps know the painful history of this unfortunate irrigation scheme. The idea of constructing a perennial canal from the river Indus to irrigate the Doab between the rivers Indus and Jhelum was mooted during the sixth decade of the nineteenth century. It was the first irrigation scheme prepared by the irrigation experts in the Punjab. But for one reason or the other it remained a paper scheme up till now. Other irrigation schemes of later growth were taken up and executed while this project remained in abeyance. It is nothing, but an irony of fate that the area which provided the finance and security for the execution of other irrigation projects in the province still remains deprived of these facilities. There is no gainsaying the fact that the loans for all these irrigation projects were raised on the security of the provincial revenues which were then derived from the non-colony districts. These districts are termed as "backward areas," while the large uncultivated wastes of those days have been transformed into garden and are now styled as 'the advanced and progressive districts' of the province. These so-called backward districts ungrudgingly contributed towards the irrigation

and colonisation of the large areas of uncultivated waste lands which have added considerably to the fertility and prosperity of the Punjab. But now when our turn has come we are asked to shoulder the burden ourselves. My honourable friends of the opposition have moved for the circulation of this Bill for eliciting public opinion thereon. They have tried to make us believe that they have been actuated by the deep feeling of sympathy for the zamindars of the Thal area in moving this motion, but in their speeches they have not been able to suppress their real feelings or intentions. Let me tell my friends opposite that they can no longer mislead us by their sugar-coated words. As their "Nationalism" is a modern device for usurping the rights of minorities and backward communities, similarly their lip-sympathy for the zamindars has some motive behind it. If the motion for circulation is accepted, the passage of the Bill will be delayed and it will seriously retard the progress of the Thal scheme. Let my friends sitting opposite realize that although their zamindar colleagues are simple and straightforward, yet they are sensible enough to understand their stratagem—

پھر رائے کہ خواہی جائے می پوش
من انداز قدرت رامی شام

This anxiety shown by my friends opposite for the solicitude of the zamindars is not without meaning. I am sure my friends on this side of the house will see through their game and will not fall into their trap.

Mr. Speaker : The honourable member should speak to the motion.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Sir, I must give my reasons for opposing the motion for the circulation of the Bill, before I could commend my own motion to the house. I will come to my own motion now. Although I am opposed to the circulation of this Bill, yet I am equally opposed to its being taken into consideration at once because there are many discrepancies and defects in the Bill which must be put right before it could be passed by the house. I have therefore moved for the reference of the Bill to a select committee so that these defects may be put right without unnecessarily delaying its passage. I may be permitted to point out some of these defects for the benefit of the honourable members :—

- (1) The definition of the "Thal Area" given in clause 2 of the Bill is vague and misleading. According to this definition "Thal Area" "means and includes territory comprised in the districts of Shahpur, Mianwali and Muzaffargarh on the day when this Act comes into force." That is to say the entire area of these districts will mean "Thal Area". I am sure this is not the intention of the Government. The Government wishes to levy tax only on such area as will come under the new Thal Project.
- (2) Similarly the definition of "Thal Canal" is also ill-worded. It defines the "Thal Canal" as meaning and including all canals, channels, reservoirs, constructed, maintained or controlled by Government for the supply or storage of water in the

[K. B. Mushtaq Ahmad Gurmani.]

"Thal Area". According to this provision all the existing canals in these districts will be included in the definition of "Thal Canal". Here also, I am sure the Government does not wish to treat all the existing canals as the "Thal Canal". The "Thal Canal" should mean the proposed canals taking off from the headworks near Kalabagh on the river Indus. This must be made clear, otherwise the present definition is apt to create misunderstanding and complication.

- (8) Clause 3 of the Bill, which is the main operative clause, gives the Government power to levy tax on all such lands within the "Thal Area" as may from time to time be notified by Government as being capable, or about to become capable, of receiving irrigation from the Thal Canal. According to the present definitions the Government will have the power to levy tax even on areas in the districts of Muzaffargarh, Shahpur and Mianwali, as are receiving irrigation or may be irrigated in future by the existing inundation canals, although such lands may be outside the irrigation boundaries of the new Project. I am sure the Government does not wish to seek any such power under this Bill.

According to the statement of objects and reasons and the preamble of the Bill the object of the Government is to seek power to tax only such lands as will receive controlled irrigation from the Thal Canals and which will be included within the irrigation boundaries of the Thal Project. The legislature cannot give the Government powers which are beyond the scope of the Bill and which are not intended to be sought for.

- (4) Then there is the question of the extent of the tax and the method of its recovery.

It is the duty of those members, who represent these areas and possess first-hand knowledge to acquaint the House with the local conditions and the economic position of the people, so that the House may be able to arrive at a correct judgment as to whether the tax proposed by the Government is fair and within the paying capacity of the land owners of the Thal Area. We shall be failing in our duty both to our constituencies and to this House if we do not do so. If we are convinced that it will not be possible for the zamindars to bear this burden we should be honest and frank enough to say so now so that there may be no complications later on; and if the Government cannot modify its demand so as to bring it within the paying capacity of the zamindars we should wash our hands, once for all, of this scheme and be contented with our present lot. We should, in that case, follow the advice contained in a couplet by the poet Ghalib, which says:—

لوں دام بہت خفّہ سے یک خواب خوش رہے
غالب سے سوچنا ہوں کہاں سے ادا کروں

Mian Abdul Aziz : Is this word "ادا" said in reference to you?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : My friend's knowledge of the Urdu language is disappointing. The word "ادا" used here means repayment and not elegance. If it were used in the latter sense

it could have been more aptly applied to my honourable friend. The method of recovery of this tax is even more important than its extent. The Bill leaves this important matter for the rules. In my humble opinion the method of recovery should be defined in the Bill itself. Unless we know how this tax is to be realised we cannot decide about its extent. If the Government proposes to realise this tax in small and easy instalments we might agree with the proposal. But the statement just made by the Honourable Revenue Minister in this connection has created serious apprehensions in our minds. He said that the tax of Rs. 90 per acre will be levied on the whole of the commanded area in the first instance and will be recovered by instalments with interest added to the total amount of tax. This indeed is a novel proposal. It seems as if the Government is advancing us a loan on which they propose to charge interest. Levy of interest on tax is unheard of anywhere in the world. I am sure there is some misunderstanding about this matter. Either the Honourable Revenue Minister has not been able to state his point clearly or I have not been able to follow him; I can hardly imagine such an absurd proposition being made by a Minister of the present Government. If, however, the Government do mean to do this, I shall be constrained to say that they will excel even the worst type of money-lender. Even money-lenders advance some capital on which they charge interest, but the Honourable Revenue Minister proposes to charge interest on a tax. Perhaps the Honourable Revenue Minister meant to say that if an instalment is not paid on due date interest will be charged on the amount overdue. I hope he will make this point clear when he is replying to the debate. Then again we do not know in how many instalments this tax will be recovered. The Honourable Revenue Minister has not thrown any light on this point. This tax should be realised in at least 30 yearly instalments and the first instalment should begin after 5 years of the commencement of irrigation, otherwise it will not be possible for the people to pay the tax. The lands in the Thal Area are much inferior in quality to those in other colonies and the income from these lands during the early years of irrigation will be hardly sufficient to meet even the cost of cultivation. The zamindars of this area, who are extremely poor, will not be in a position to bring the whole of their areas under cultivation at once. They will gradually bring their lands under cultivation. It is, therefore, necessary that they should be allowed a period of grace and the tax should be levied only on the matured area. If the tax is assessed on the entire commanded area of a holding, the zamindars will not be in a position to pay it from the income of their cultivated area. All land taxes are assessed on matured area so that the zamindar may be able to meet the demand from the income which he derives from the land. The whole field will be gradually covered as the new areas come under cultivation. If the Government adopts any other method for the recovery of this tax it will prove disastrous. A suggestion has been made by the opposition that the Government should take one-fifth of the proprietary area in lieu of the proposed tax. I am personally opposed to any such proposal, as it will create many complications. The question will arise as to which area the Government should take. The quality of soil differs from field to field. If the Government takes away the best land of a proprietor he may lose all the good land in his share. On the other hand if Government gets the bad land it may not fetch sufficient price to meet the additional cost of the scheme. Moreover the small owners, whose holdings may be already

[K. B. Mushtaq Ahmad Gurmani.]

uneconomic will be hard hit by this proposal. If they are to pay the tax in easy instalments they will be able to retain their holdings intact, but if they are to surrender one-fifth of their culturable area, they may never be able to recoup this loss. The example of the Sind Sagar Doab Act does not apply in the present case. Under the Sind Sagar Doab Project the whole of the Thal Area was to receive irrigation, but under the present Thal scheme only Thal Jandi will receive irrigation. On an average an owner's share in Thal Jandi is in proportion of 1 to 5, that is to say if a person owns 5 acres in the Thal area his share in "Thal Jandi" is one acre, the remaining 4 acres are in "Thal Kalan." Under the proposed Thal scheme only one-fifth of his total area will receive irrigation, while under the Sind Sagar Doab Project his entire area both in Thal Jandi and Thal Kalan would have received irrigation. In that case even after surrendering three-fourths of his total area to the Government his net gain would have been greater than what he is likely to get under this scheme. Now Thal Jandi alone will receive irrigation and the area in Thal Kalan will remain unirrigated. The net irrigated area of a proprietor will, therefore, be comparatively smaller than what he would have got under the Sind Sagar Doab Scheme after paying three-fourths to the Government. There is yet another point which may be mentioned in this connection. At the time when Sind Sagar Doab Scheme was prepared almost the entire Thal area was uncultivated waste and the proprietors did not get any income from their lands. They therefore agreed to surrender three-fourths of their total area if the entire area could be brought under irrigation; but later on they started barani cultivation in Thal Jandi and now there is considerable cultivated area in Thal Jandi from which the proprietors get some return. They will not agree now to surrender one-fifth of their Thal Jandi area. This suggestion from the opposition is neither in the interest of the small owners nor beneficial to the Government.

Before I conclude, I would like to correct certain mis-statements made by the honourable members sitting opposite. My friends over there have shown complete ignorance of the local conditions and of the history of the Thal area. My honourable friend Mr. Dev Raj Sethi said that land in Thal could be bought at 4 annas per acre even now. This is wholly incorrect. Even as far back as 1878 the price of culturable land in that area ranged between Rs. 5 and Rs. 15 per acre. The price of land in the Thal has considerably increased since. The prices in this area now are between Rs. 25 and Rs. 50 per acre according to the quality of the soil. Unculturable waste and sand hills, of course, have no value, but such land will be valueless in any part of the province. We should take into account only the price of culturable land. My friend argued that people who bought lands in the Thal so cheap will reap enormous profits when irrigation is provided. This unearned increment should, therefore, be heavily taxed. Perhaps my friend conveniently forgot the duration of their investments. People, who invested their capital in this land more than 60 years ago without getting any return so far, could have earned fortunes if they had invested their capital in other directions. My friend should take into account the loss on their capital for such a long period before taking into account the expected returns which they are likely to get from irrigation. He was again pleased

to say that the Thal area is owned only by big zamindars. As I have already pointed out large areas owned by these proprietors in the Thal Kalan will be excluded from irrigation and under the proposed Thal Scheme only the Thal Jandi portion will receive irrigation. Thal area is also a part of the Punjab where social customs, economic principles and the system of land tenure do not materially differ from other parts of the province. My friend probably thinks that the Thal tract consists of feudatory states, owned by a few rich individuals, but this is not the case.

My friend also remarked that the entire Thal area was Government property at one time and was given on lease to some people of the locality for grazing purposes. This again is incorrect. There existed only 7 rakhs in the Leiah tahsil before the British accession, which were formed by the Nawabs of Mankera for military and grazing purposes. All the other area was private property which was later on snatched away from the private owners and formed into Government Rakhs. Mr. O'Brien gave an interesting account of the formation of these rakhs in his settlement report of the first regular settlement of Muzaffargarh district. The report says—

“As a part of the measurement the Government rakhs were demarcated and what had been the sore question in 1869 was finally decided. The demarcation of village boundaries was made, as has been stated, in 1856. It included these village boundaries of the waste lands in the district. In 1860, Mr. Crust, then Financial Commissioner, declared the boundaries open to revision. In 1861, in order to carry out this order, the Deputy Commissioner with a pencil marked off on the revenue survey maps pieces of land shown as waste to form Government rakhs, but no demarcation on the spot was made till 1879, when Sohan Lal, Extra Assistant Commissioner, was appointed to carry out the work. This demarcation followed rigidly the pencil-lines of 1861 and the result was that much cultivated land, pakka wells, village sites, graveyards, public roads, and even canals, were included in the rakhs. The rakhs have been excluded from village boundaries and made into new rakh villages.”

Now may I ask my honourable friend as to whether the waste land included in the village boundaries before 1856 was a part of the proprietary area or was it the property of the British Government? This area was the property of private individuals which was snatched away by Government and formed into rakhs. The Government later on leased these rakhs to the local inhabitants for grazing purposes and derived revenue even from these wastes. The great poet Sir Muhammad Iqbal had perhaps said the following verse in reference to our British rulers—

میں نے بیکر اور مہراں کو چھوڑ کر خراج

The proprietary areas and the Government rakhs are distinctly separate revenue estates. The Government proposes under this Bill to levy tax only on the proprietary area. My friend Mr. Dev Raj Sethi is, therefore, incorrect in saying that the proprietary area at one time belonged to the Government. In fact the whole area belonged to the people and a considerable portion of it was taken away by the Government under the rule of

[K. B. Mushtaq Ahmad Gurmani.]

"might is right." The Government should take into account the benefit which they will derive by the sale of crown lands which once belonged to the people (*A voice*: Your claim is time-barred). Yes, Sir, I know this plea can be raised in our case because we are poor and weak. Nothing is time-barred for those who possess strength and can secure their rights. No one told Hitler, when he invaded Austria, Sudeten Land, Czechoslovakia and Poland that his claim was time-barred. But don't forget that the world has no long injustices. When a weaker people are overwhelmed with injustice, oppression and unrighteousness, nature comes to their rescue and inculcates in those oppressed and down-trodden beings the strength and courage to fight for their honourable existence. Do not, therefore, treat the poor and weak with contempt and beware of their heart-rending sigh—

تہمس از آہ مظلومان کہ هنگام دعا کردن

اجابت از در حق بہر استقبال می آید

Rai Bahadur Mukand Lal Puri: Please do not point your fingers at us. Address the Government.

Khan Bahadur Mian Mushtaq Ahmad Gurmani: I am not addressing my honourable friend because I know fully well that this subject has no interest for him and any word of advice or warning will be of no avail to him. Any way I want to make it clear to my friend who raised the plea of limitation that there is no question of limitation involved in this case. I was not asking for the restoration of these lands. I was merely pointing out that the Government should take into account the benefit which it would derive from these lands. The Thal area, whose inhabitants continuously remain involved in a struggle for their existence, where famine conditions more acute than those existing in Hissar prevail month after month and year after year, where not only human beings but even animals cannot get water to drink, has as much right to ask for such irrigation facilities as exist in other parts of the province. This Project should be undertaken on humanitarian grounds and not for profiteering. Moreover, in view of the increasing population of the province we should bring every inch of our cultivable land under plough or else we may soon be faced with the serious problem of scarcity of food. I hope in view of my submissions and the defects that I have pointed out in the Bill, the Honourable Minister incharge will accept my motion for the reference of the Bill to a select committee.

A question has been asked as to why we cannot leave these things to our own Government for being provided in the rules. My answer is that business is business and we do not wish to leave any ambiguity in the Bill which might create complications in the future. Let me assure the Honourable Minister in charge that although we consider this tax as a heavy burden on our weak shoulders yet we are willing to co-operate with the Government in making the Thal scheme a success. If the Government is convinced that it is essential to levy a tax in order to make this scheme a sound financial proposition, we shall agree to it provided the Government is prepared to give us the necessary facilities for its realization so as to make the burden of tax bearable. If we agree to this new principle, it is because we are anxious that this unfortunate scheme, which has passed through so many vicissitudes,

may be completed under this auspicious regime. This will be a landmark in the history of the Unionist Government and the names of the Honourable Sir Sikander Hyat-Khan and his other colleagues will always be remembered with gratitude for accomplishing this great task. We realise that it is due to the unceasing efforts of the present Government and particularly the Honourable Premier that it has been possible to revive this almost dead scheme which so many famous engineers and renowned politicians failed to undertake. I have one word for the Honourable Finance Minister before I finish. To him I would say that in ordinary and normal conditions one has little opportunity to show his calibre. It is in difficult situation and trying circumstances that one can show qualities and capacities. It is on such occasions that men of his attainments and ability distinguish themselves; and I might say such opportunities seldom occur in one's life. Keeping in view his past achievements I can confidently say that he will rise to the full height of the occasion and will succeed in removing the financial obstacle that stands in the way of this scheme. With these words, Sir, I move that the Thal (Increase in Value) Bill be referred to a select committee.

Khan Bahadur Captain Malik Muzaffar Khan : Sir, I belong to the *ilaga* to which this scheme relates. Therefore I should be called upon to speak.

(Several other honourable members also stood up to speak.)

Mr. Speaker : The honourable members are perfectly justified from their point of view to expect to be called upon to speak. But according to Parliamentary practice the occupants of the front benches, if they rise, have a prior right to be called. Therefore I call Malik Barkat Ali.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban) : Sir, I rise to lend my support to the principle of this Bill and to the further motion that the Bill be referred to a select committee. The principle of this Bill, as a bare perusal of the Statement of Objects and Reasons will show, is a very simple one. The principle of the Bill is that a sum of Rs. 2½ crores is to be found for lining the main canals and branches of the Sind Sagar canal. Therefore this sum should be found out from that unearned increment which the owners of the Thal land will receive as a result of the introduction of irrigation in this area. To my mind the principle of advanced economics stands clear that unearned increment should go in its entirety to the State. On this occasion the State is claiming only a share in that unearned increment. It is said by some opposition members that in regard to this unearned increment this Bill can only be justified if the rise in value amounts to profits as understood in the Excess Profits Taxation Bill, which has recently been introduced in the Central Legislature. The argument is that if the introduction of irrigation in this area leads to rise in value, the increase is not profits. The so-called increase is merely the capitalised value of the land and does not really represent any excess profits to the person who owns that land. Excess profits according to this argument can only arise where land forms the subject matter of a sale. Thus if any land sells out to-day for Rs. 100 an acre and the same land sells out to-morrow at Rs. 200 an acre, then certainly this difference between Rs. 200 and Rs. 100 is an excess profit and it must be taxed. But in the present

[Malik Barkat Ali]

case if as a result of the proposed irrigation in this area the value of the land rises to Rs. 1,000 the rise is not excess profit and therefore not subject to taxation. All I can say in answer to the argument is that I do not accept it and must differ. The rise is certainly unearned increment which is liable, according to all sound canons of economic philosophy, to taxation by the State.

I need not at this stage enter into the arguments whether really the lining of these canals will prevent waterlogging or not. Whatever the opinions of the experts in this matter may be, the facts stand out clear that the lining of canals is a matter of practice in the past and, therefore, if this lining of canals is to cost the exchequer, the exchequer would be perfectly within its rights in claiming a share in the unearned increment that will accrue to landlords as a result of this scheme. It is said that when the estimates of this project were laid before this House, the item of lining the main canals formed a part of that estimate. But this part of the argument is really irrelevant. The lining may have been included in the estimate, but the fact remains that this expenditure has to be paid for and the way which the Treasury Benches have devised for meeting this extra expenditure of lining the canals is undoubtedly the best and the State should have a share in the unearned increment.

Having said so much, I desire to draw the attention of the Honourable Minister of Revenue to one or two flaws as they strike me. A perusal of clause 5 of this Bill indicates that the Collector has been given power of preparing in the first instance a statement of demand containing full particulars of the amount which each person having rights in the land is liable to pay. In other words, the Collector is the assessing officer. After this statement of demand has been prepared by the Collector, the statement is to be published and objections will be invited. It is here that there is a lacuna in the provisions of this Bill. After those objections have been received by the Collector, we are told that a statement of account shall be prepared and that this statement of account certified by a particular officer shall be a conclusive proof of the liability of the person who is mentioned in this statement to pay the amount that is mentioned against his name. In other words, it comes to this that the Collector who is going to assess, shall be the final authority. What is going to be the remedy of the man who finds himself aggrieved by this assessment? There may be cases of over-assessment, it may be that the Collector has made a mistake in assessing the amounts which various people have got to pay. What is the remedy of those people who will find themselves aggrieved by this order of the Collector? It appears to me that there must be a distinct section in the Act laying down or providing for appeals against these final orders of the Collector and the authority which is going to hear these appeals against the orders of the Collector should certainly be an independent authority. It should be very much like the Income-tax provisions. Persons who are assessed to a certain amount of income-tax by the Income-Tax Officer, are given the right of appeal against that assessment and it is being recognised more and more that the authority which shall dispose of those objections should be an independent authority, an authority which enjoys also the confidence of the person who is going to be taxed. Another point which

strikes me as I go through the provisions of the Bill, is sub-clause (8) of clause 5 of the Bill. Sub-clause (8) of clause 5 says:—

- (3) In distributing the tax between different owners or between owners and tenants of the same land due regard shall be had to the prevailing local practice in respect of the division of produce or capital values between such persons in respect of that land.

I should like to make my position clear straightaway. I have certainly no objection to the imposition of this tax on the owners of lands. Similarly, I have no objection to the imposition of this tax on occupancy tenants or on what are called superior and inferior owners. In this area the occupancy tenants are really inferior owners and the hereditary owners of this area are the superior owners who really receive a sort of nominal payment in recognition of their overlordship dues. But so far as tenants-at-will are concerned, I really do not see any reason why the poor tenant-at-will should be compelled to pay this tax. You have every right to levy this tax from the owner of the land, you have every right to levy this tax from the occupancy tenant or whoever is the person who is in that position, for instance, even the mortgagee with possession of that land, but why should the poor tenant-at-will, who is going to receive his share of the produce on account of his labour, be subjected to this tax? If the land is irrigated, he pays owner's dues, whatever they be. In accordance with the prevailing local practice, the owner of the land receives either half share or one-third share of the produce, and if the tenant, on account of his labours, receives the half share or one-third share of the produce, then I do not see any reason why the poor tenant-at-will should be taxed. The tenant-at-will does not come into the picture at all. The unearned increment, if it accrues to anybody, accrues to the mortgagee with possession; it accrues to the owner it accrues to the inferior owner; but so far as the tenant-at-will is concerned, he is completely out of the picture. It may be that I have misunderstood this clause, but if you will kindly peruse this clause, you find it definitely stating—

- (3) In distributing the tax between different owners or between owners and tenants of the same land due regard shall be had to the prevailing local practice in respect of the division of produce or capital values between such persons in respect of that land.

If you mean only the occupancy tenant, my objection disappears; but if you have got the tenant-at-will in mind, then certainly clear up this position, as I see no reason why the poor tiller of the soil, the poor tenant-at-will, who has no sort of proprietary interest in that land and who will not share in that increment, should be saddled with this liability. I, therefore, respectfully submit that while I support the principle of this Bill—to me it is not open to any objection, and while I support its reference to the select committee, I trust that the Honourable Minister of Revenue, when sitting in the select committee, will be pleased to bear in mind the various points to which I have drawn his attention.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural (Urdu): Sir, my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani has, while moving his motion to commit the Bill to a select committee, stated that the mode of taxation provided in this measure is a novel one. He has also asserted that such a mode of taxation does not exist in

[Capt. Sodhi Harnam Singh.]

any part of the province. But I would submit that my honourable friend is mistaken in making this bold assertion, because the mode of taxation is not at all a new one and it has been applied in a good many cases. Take for instance, the Grey canals. All the spade work in connection with the construction of these canals was done by the zamindars. They had to put in very hard labour and yet in addition to land revenue they have to pay water rates. All the expenditure on these canals has been and is still being realised from the zamindars in hard cash. Then again, I would draw his attention to the case of the Nihal Singh Wala-Baghapurana road in the Ferozepore district. The zamindars of that ilaqa supplied all the unskilled labour for the construction of this road. They spent a good deal of money which went to the Government treasury; and even now the metalling of the road is in progress and it will take some time to complete it. Similarly the people of many other places in Ferozepore have requested the Government to construct roads in their ilaqa stating that they are prepared to supply all the unskilled labour required for the purpose. Thus these people have paid, in one way or the other, a good proportion of the expenditure incurred by the Government for their benefit.

Now, this Thal Project is being taken in hand for the exclusive benefit of a particular area. It will provide irrigation for the districts of Muzaffargarh, Mianwali and Shahpur. It is known to all of us that this ilaqa has no means of irrigation with the result that the people can grow neither grain nor fodder. They are really in a sad plight and it is almost impossible for them to make both ends meet. These are the people whom this measure is intended to benefit. It is intended to help them to bring the vast area of waste lands under cultivation and thus live in prosperity and affluence. Now my submission is that when they are going to derive enormous benefit from this project, they should not grumble if they have to pay back a little out of the income that will accrue to them on account of this project. Rich people give a part of their income in charity or as *zakat*. Let the people of this ilaqa, whose incomes are going to be vastly increased, rejoice in the thought that they are paying a sort of *zakat*.

As it is a common practice that one-tenth of the whole income is given as charity, they should think that they have given that small amount of money for charity. I do not think that Rs. 30 per acre which the Government is going to charge and will be realised in small instalments from the people concerned is as large an amount as it is considered. Two and-a-half crore of rupees will be spent on lining the channels to prevent waterlogging, and the total amount to be spent on this project is about 10 crores of rupees, the Government will realise about 2½ crores of rupees by this taxation at the rate of Rs. 30 per acre, that amount even will not be sufficient to cover the cost of lining the main channels. I must, therefore, assure my honourable friends opposite that the Government is not charging a pie that is undue. I do not think there is any harm if the Government is going to charge a few rupees from the people of that ilaqa who would benefit greatly by this Project. I am sure the payment of such a small amount of money will not bring poverty to the zamindars whose even barren lands will become gold when this project comes into existence. I, therefore, submit that under these conditions

4 p. m.

this taxation is quite necessary and reasonable. This system of taxation if followed in future will do a lot for the good of the zamindars concerned. For instance, the Government will be able to extend irrigation in other ilaqa where it is needed and also make other useful schemes in this respect. I may also submit that it is not creditable at all for the honourable members sitting opposite to leave the Government to work alone for the benefit of the zamindars and extend no co-operation to them in this respect. This method weakens the position of the Government. I am afraid when the honourable members sitting opposite are not prepared to co-operate and encourage the Government how can they expect better schemes from them?

Then my honourable friend sitting opposite has remarked that if the tax is levied on big zamindars they do not grudge it. Let me submit to him, through you, that if the Government agrees with him and levies the tax on the big zamindars only, it would be very difficult to face the intricacies which would spring up at that time. For instance, the holdings will be sub-divided into innumerable small holdings and registered in the names of the relatives of the land-owner, i.e., his sister, brother, daughter, son, etc., etc. As a matter of fact, there are very few big zamindars in this province and this province is a province of petty zamindars. This question, therefore, does not arise particularly in the Punjab.

I should like to make another submission with regard to the propaganda made by the friends of the honourable members sitting on the opposite benches to the effect that the reason of giving preference to the Thal Project over the Bhakra Dam Scheme is that Sir Sikander and Chaudhri Sir Chottu Ram have purchased at nominal prices big land holdings in the ilaqa where Thal Project will be constructed. This sort of false propaganda does not hold water, and I would refute it by saying that it is quite definite and obvious from the Bill that the tax will be levied on all the land-owners whoever they may be. Moreover, they are quite prepared to pay their share to the Government in return for the benefit which would go to them. In this way the false propaganda and the charges brought against some of the prominent members sitting on this side are wiped away by the passage of this Bill. I am, therefore, of the opinion that the Bill should be passed without any delay, and that it should neither be referred to the select committee nor be circulated as it tantamounts to unnecessary criticism and mere waste of time. With these remarks, I submit that the Bill as moved by the Honourable Minister for Revenue should be passed immediately.

Khan Bahadur Captain Malik Muzaffar Khan (Mianwali South, Muhammadan, Rural) (*Urdu*): Sir, before I say something with regard to the Bill now before the House, I deem it necessary to make it clear that I do not believe that my honourable friends opposite who have so vigorously opposed this Bill have been sincere in their professions. (*Hear, hear.*) Their past actions belie their professions. As a matter of fact all the honourable members are aware of the fact that when the agrarian Bills were introduced in this House, these so-called well-wishers of the zamindars opposed them tooth and nail.

Mr. Speaker: Please do not be personal.

Khan Bahadur Captain Malik Muzaffar Khan : However, I am grateful to my honourable friend, Mr. Dev Raj Sethi, who, for my sake or for the sake of the zamindars of my district, thought it advisable to move this circulation motion and voice their grievances. I do not think that after the eloquent and learned speech of my honourable friend Khan Bahadur Mian Mushtaq Ahmed Gurmani, there is anything left for me to say. As a matter of fact he has detailed the grievances and hardships of the zamindars of Thal ilaqa and has pointed out in unambiguous terms that this burden is beyond their power to bear. But in view of the responsibility which I owe to my constituents I deem it necessary to say a few words with regard to this Bill, so far as it affects the zamindars of my district. Sir, through you I wish to point out to the Government that our condition has become like a person caught up between a fire and a river. If he goes ahead he is in danger of being drowned, and if he goes back he is in fear of being burnt. Similarly, the people of my district, i.e., Mianwali and particularly of tahsil Bakhkar are so poor that they are not in a position to pay this extra charge of Rs. 30 per acre and still they cannot afford to see this project abandoned. Let me point out that the pleasure with which they welcomed the decision of the Government for taking this project in hand has been turned into grief. On the other hand, when I see that even in the presence of a world war which has been brought about by the machinations of that mischievous Hitler and in which our Emperor has been forced to participate in order to restore peace in the world, the Honourable Premier, the Honourable Minister in charge and the Honourable Minister of Finance, in spite of financial difficulties, have somehow or other carried on the work of the project and have not allowed it to be dropped, I feel reluctant to say anything against the Bill now before the House. In view of these considerations, I have decided to request the Government to consider this matter once again. As a matter of fact the sum of Rs. 30 per acre is too big a sum and the zamindars of my ilaqa are not in a position to pay it. The zamindars of Mianwali, Muzaffargarh and Khushab are so very poor that they cannot even get two square meals a day and therefore my suggestion is that they should be exempted from the payment of this tax *in toto*. But if the Government cannot accept this suggestion, in that case they should make this charge more equitable. Nowadays thousands of rupees are being spent by the Government on the prosecution of war. If the Government exempted these people from the payment of this tax, that would not amount to even one day's war expenses. In the circumstances, before I suggest as to what amendments should be incorporated in this Bill, I would urge that the Bill be referred to a select committee with instructions to consider the following :—

- (1) Whether the people can pay this tax or not ; if so, in how many years ;
- (2) whether they would pay this sum within twenty years or more and, if so, at what time—now or at the time when they get canal water and their crops are matured.

These are the questions which require the urgent attention of the Government and they should be considered at length in the select committee. I hope that in view of these submissions the Government would agree to

refer this Bill to a select committee. With these words, I strongly support the motion that has been moved by my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, Khan Bahadur Mian Mushtaq Ahmad Gurmani, Captain Muzaffar Khan and to some extent Malik Barkat Ali have prompted me to intervene in the debate. I have listened carefully to the arguments that have been advanced by these three gentlemen. All the arguments advanced by them are in favour of circulation and the motion for eliciting public opinion, and yet they and particularly Khan Bahadur Mian Mushtaq Ahmad Gurmani has not only opposed the circulation motion but he has also abused the Opposition. He thinks that we are moving this motion with ulterior motives. I do claim to be a perfectly disinterested member and I want to offer my disinterested advice. I have nothing to do with the Thal area. I do not belong to that place and I am far away from that place. Neither I nor any of my sons or grandsons is likely to have an inch of land in that area. Khan Bahadur Mian Mushtaq Ahmad admits that taxation of Rs. 30 per acre is excessive. Captain Muzaffar Khan says that all this should be remitted. Khan Bahadur Mian Mushtaq Ahmad Gurmani also stated that charging of interest on instalments is not desirable. Similar arguments were advanced by Malik Barkat Ali. Does it not mean that the public opinion of three districts and of people numbering 30 to 40 lakhs should be obtained? Who are the competent persons to decide these questions that have been raised by these three gentlemen, a dozen members of the select committee or the 30 to 40 lakhs of people who will be greatly affected by this legislation? I submit that it is their right and it is in their province to offer advice on it. It is not even accepted that taxation should necessarily be imposed: even the principle of levying taxation per acre is in question. If that is so, why should they not accept the motion of circulation for eliciting public opinion. As the Statement of Objects and Reasons shows, 8 lakhs of acres are going to be affected by this proposed imposition and in this way about 2½ crores are going to be levied. It is not a small sum: it is a very big sum. Is this sum going to be realised out of those people whom Captain Muzaffar Khan described as extremely poor and down-trodden people? And yet the honourable member in order to accommodate the Government says "I shall be satisfied with the motion to refer it to the select committee". The very nature of the issues involved in the serious legislation requires that the House should be in a position to get the opinions of those people who are going to be affected seriously. They say that the members of the Opposition are actuated by ulterior motives and want to shelve this matter. What is the circulation motion? The circulation motion says only this that the opinion should be ascertained before the 1st of May 1940, not 1941. I am perfectly sure that the Government is going to live for another two years and there will be enough time for them to pass this legislation if the Government is so minded. There is another thing that the House should bear in mind. It is yet too early to say whether the value of the land is going to be correspondingly appreciated through the proposed canal. It is yet too early to say. There may happen something that, instead of appreciating, the value of the land may deteriorate. What guarantee is

[L. Duni Chand.]

there? Collect all the available data, take the opinions of those people who are going to be affected by it. After that you will be in a position to say whether this taxation of Rs. 80 per acre or a lesser sum should be imposed or not. Really this legislation is premature. In any case it is desirable from all points of view that the necessary data should be collected. That will help the Government really to adopt the correct line with regard to the proposed legislation. I submit that it is quite possible that an increase in the *abiana* rates may serve the same object which the Government has in view. I submit that we are not in any way actuated by any ulterior motives. We want to do good to these poor people of Mianwali and the other two districts. We cannot prolong this thing. After all it is a question of two or three months. Here is a proof of our honesty of purpose and our earnestness. Whenever any large section of the people is going to be affected we people get up to advocate their cause. It is in that spirit that Sardar Hari Singh has moved the circulation motion and it is in that spirit I am supporting it.

Chaudhri Jalal-ud-Din Amber (West Central Punjab, Indian Christian) (*Urdu*): Sir, my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani has very cleverly tried to give vent to his feelings in support of his amendment, by making them look like the views of others. He has tried to shoot by putting his gun on the shoulders of others. He would have done better if he had started his speech by reciting the verse:—

کون سننا ہے کہانی میری اور پور رہے زبانی میری

But eventually he had to admit that the Punjab Thal (Increase in Value) Bill is not acceptable to the people of Muzaffargarh and Mianwali districts because it envisages the imposition of a tax upon them. That was the reason given by him for referring this Bill to the select committee. Sir, I do not see any reason why this Bill should be referred to a select committee when the same purpose can be served by taking the Bill into consideration. Because the amendments which a select committee would make can also be made during the consideration. I do not also subscribe to the views expressed by my honourable friend Sardar Hari Singh, when he says that he is not in agreement with the manner and mode of assessment and distribution of the proposed taxation. He goes even so far as to declare that he is against the principle embodied in this Bill. Sir, I want to make it clear to the House, that the people in general are in complete accord with the principle of the Punjab Thal (Increase in Value) Bill.

We know that irrigation is one of the most essential needs of the province and that every part of the province is in need of suitable means of irrigation for its lands. In certain areas this need is so crying that people are prepared to pay much more than Rs. 80 per acre if they are provided with canal irrigation. Some of us in this House are even prepared to make an offer to the Government on behalf of their respective constituencies that they will pay Rs. 60 per acre if the Government undertakes to provide canal irrigation in those parts of the province. Now having admitted the importance and supreme necessity of irrigation in the province we

cannot ignore the fact that the construction of a canal entails vast expenditure. We also know the importance and necessity of lining the canals as the best method, known so far, of combating the danger of waterlogging. Now money is required for these purposes and if you want canals the required amount has to be found. There are only two ways of obtaining money. Either the Government should raise a loan or a tax has to be levied. There can be no two opinions about the inadvisability of raising a loan in such cases. That will be an undesirable burden on the exchequer. And so far as taxation is concerned you cannot tax the whole province for the benefit of only three districts. This shows that there cannot be any reasonable quarrel with the principle of the Bill as well as its provisions in general. If any honourable member thinks that some improvement in the matters of detail is necessary, he will have ample opportunity to get it effected during the discussion on the various clauses. Therefore, if my honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani has moved his dilatory motion with some other motive, he should state it explicitly and not resort to the method contained in the Punjabi saying :—

رونی این اپنے یاران نرن لے لے نام ہزارا دے

(Laughter.)

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Does the honourable member mean to say that while outwardly addressing the Government I was, in reality, mourning his lot? (Laughter.)

Chaudhri Jalal-ud-Din Amber : I do not know whose lot he was mourning, but he was wailing and weeping all right. (Renewed laughter.) Sir, my submission is, that the nature of the Bill under consideration does not admit of any dilatory motion either to commit it to a select committee or to circulate it for eliciting public opinion. We agree with the principle of the Bill. We know that money is required for turning this scheme into an accomplished fact. Then why adopt dilatory tactics? You might, however, ask that the mode of taxation should be modified and that those who have acquired lands at nominal prices in that area should be taxed more heavily than others. But that is a matter of detail and can be taken up during the discussion on clauses.

As regards the demand for appointment of assessment boards, I regret that I cannot support it. You can very well imagine what a waste of money it would be to appoint assessment boards in every such case and in each district. Let us, therefore, refrain from causing unnecessary delay in the passage of this measure. When we honestly feel that a particular measure is necessary or useful we should have no hesitation in co-operating with the Government to get it passed without delay. With these remarks I oppose both the dilatory motions.

Diwan Chaman Lal (East Punjab, Non-Union Labour) : Mr. Speaker I too, like a large number of members of this House who have expressed their desire that they do not wish to participate in this debate, was of the same opinion namely that I should not ordinarily participate in this debate.

Mr. Speaker : But the honourable member has given notice of a motion for referring the Bill to a select committee.

Diwan Chaman Lall : The reason why notice of a motion for reference to select committee was given was that the Government had tabled a motion not only for the consideration of this Bill but for the passing of this Bill, that is, the passing of this Bill at practically one go and it was desired that we should find out what was in the mind of Government in reference to this measure and for that particular reason this notice was given. Since the notice was given, my honourable friend, Sardar Hari Singh has tabled another motion. That motion is for the circulation of this measure and all that we are discussing now is whether in view of the statement made by my honourable friend, the Revenue Minister, this Bill should be committed to a select committee or sent for circulation in order to elicit public opinion thereon. The reasons that have prompted my honourable friend, Sardar Hari Singh to table this particular motion and which has my fullest support, these reasons are many, these reasons are various, these reasons are important, which this honourable House should consider carefully before they commit themselves to one opinion or the other. For the first time in the history of not only this province but for the first time in the history of India, a certain principle has been brought forward by the Government and incorporated in this measure which requires the keenest and the most careful consideration of the honourable members of this House. I refer to the principle of taxation of land values. It is a very desirable principle and an excellent principle, but it is to be considered most carefully in reference to the project in hand and whether it would meet the requirements of the case or not. These are matters to be gone into with deep care and attention, because, Mr. Speaker, not only are the finances of this province going to be affected, but it may be the prosperity of a large number of individuals may be affected by a wrong step taken by this Government in regard to this matter. Not only that, Mr. Speaker, but it is possible that if certain suggestions which we may have to make in reference to this measure are adopted by my honourable friend the finances of the province may be benefited exceedingly thereby and money may be saved for the purpose not only of this project but of many such projects that he may have in hand. It is for this reason that we must hasten slowly in reference to this measure. We must not anticipate the debate and we must not take up the attitude which says the Government has done the right thing and therefore let us shut our eyes and ears completely to any argument advanced on the floor of the House and let us proceed promptly with the measure.

At this stage the Assembly adjourned till 12 noon on Tuesday, 6th February, 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 6th February, 1940.

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

GOVERNMENT BUSINESS ON 8TH FEBRUARY, 1940.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I have to make a formal motion which is to the following effect:—

That rule 12 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 8th February, 1940.

This is necessary because of the congestion of official business and I hope my honourable friends will concede that in view of the pending business we must take up this Thursday for Government business.

Mr. Speaker: Motion moved is—

That rule 12 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 8th February, 1940.

Diwan Chaman Lall: I had given notice of an amendment that Government business should be taken after non-official business has been disposed of on Thursday and my reason is this, that the occasions are infrequent on which non-official business is transacted on the floor of the House and those infrequent occasions should not be invaded for the purpose of Government business.

Premier: My honourable friend has suggested that we should take up Government business after non-official business has been disposed of. That merely means that we should extend our sitting. The pending business is very heavy, I am afraid. Hitherto we have tried our best to accommodate our friends opposite and other non-official members, but now the congestion of business is such that it is not possible for us to allot this coming Thursday for non-official business. But later on, after we have finished the official business, we may give a day, if possible, for non-official business. But at present the Government business is so heavy that I am afraid I must respectfully request my honourable friends opposite and other members to concede that Government and public business must take precedence over private business.

Diwan Chaman Lall: Mr. Speaker, I was giving reasons why I put in an amendment to my honourable friend's motion. My amendment reads as follows:—

That in view of the infrequent occasions on which non-official business can be transacted in the Punjab Legislative Assembly, Government business should be placed on the agenda after non-official business has been disposed of on Thursday, the 8th of February, 1940.

[Diwan Chaman Lal.]

Now I quite agree with my honourable friend that there is congestion of business as far as this House is concerned. But the way to get rid of the congestion of business is not to keep on invading the right that honourable members have of utilising one day for the purpose of non-official business. The way to do that is to prolong your sittings, the way to do that is to take on another extra day, let us say, Saturday. There is no reason why Saturday should not be taken by my honourable friend and why we should not sit on Saturday, if it is in order, to meet congestion. But this is a very important right of non-officials to utilise Thursday for the purpose of ventilating whatever views they might have in the shape of resolutions or Bills or whatever suggestions they want to make to my honourable friend in regard to legislation and I do submit that that right ought not to be dealt with lightly. It has been dealt with lightly in the past and Thursday has been taken by Government frequently and non-official business has not been transacted. As it is, how much business can we ordinarily transact on a non-official day? Usually it is an inconclusive debate on a resolution which again is carried over to the next day or a general slaughter of a series of Bills that are brought forward. But even that right should not be taken away. Therefore my suggestion is that we would be willing to conclude the non-official business a little earlier even and we would be willing to sit thereafter until it suits my honourable friend to conduct Government business on Thursday. Quite apart from that we are quite willing to give my honourable friend an extra day in the shape of a Saturday. I know that my honourable friend and his colleagues are hard pressed with the congestion in Government business. They are hard worked. There is no doubt about that. But you will agree with me that we are also trying to do our level best to accommodate my honourable friends and that we are willing to sit even on a Saturday for the purpose of getting through Government business. Therefore, I submit that my honourable friend would be accommodating the Opposition in regard to this matter if he were to agree to the proposition that I have placed before him, that a certain portion of Thursday may be utilised for non-official business and the rest of the period, as long as he wishes to sit, may be utilised for official business and over and above that, Saturday may be taken over also for official business, if necessary.

Premier : Sir, my honourable friend has suggested that we might take up other days. It is quite possible that we will have to take up Saturdays also in this session. As a matter of fact, if my honourable friend has before him the programme of business during the next month, he will find that we have taken up Wednesdays. So we propose to sit on Wednesdays also and it is possible that we might have to sit on Saturdays also and it is also possible, if the state of business makes it necessary, that we will have to sit for extended hours, even 8 or 9 hours a day, as we did at one time in Simla. So far as the question of taking away the right of non-official members is concerned, my honourable friend is perfectly aware that in the House of Commons it is once in a blue moon that a non-official day is set apart for private members' business, because normally, on account of the congestion of business, these days are taken up for Government business. I am sure my honourable friend will also concede that during the present session, since we started in October, we have not taken up a single non-official day

for Government business. One other non-official day has been set apart for private members' business, and as I have said, if at the end of this session, we find that the state of business is such that we can afford to give another non-official day for private members' business, I shall be delighted to accommodate my honourable friend, because after all it is a question of accommodating on both sides, and as I have already submitted, official business, that is public business, must take precedence over private members' business. Later on at the end of the session, if we find that we can afford to give some other day not necessarily a Thursday, I shall be only too glad to accommodate my honourable friend. I hope he will not press his motion.

Diwan Chaman Lall : Mr. Speaker, I do not think it is quite correct that no non-official day has been taken up by Government. We started with a Thursday which was taken over by Government for Government business. It was the 24th of October, I think. But be that as it may, do I take it that my honourable friend is going to give us another day ?

Premier : We did not take up the first day.

Diwan Chaman Lall : I may be quite wrong, but do I take it that my honourable friend is going to give us an extra day instead of Thursday for non-official business ?

Premier : If possible. But my honourable friend must remember that we have been sitting since October, and we may have to sit till the end of April, and between now and the end of April there will be several Thursdays, but I might warn my honourable friend that so far as the next month goes, no Thursday will be available for private members' business because we will be discussing the budget and automatically all the days will be taken up for grants, and thereafter in April we have got business which is more important from the private members' point of view than just ordinary private resolutions. For instance, we have to discuss the Land Revenue Committee's Report which is an important item. There is another report of a Committee of this House which will come up for discussion and this will take up a day and I will have to find time for all these reports. I think that there is still room for another non-official day, not necessarily a Thursday, which I shall be only too glad to give him.

Diwan Chaman Lall : I accept my honourable friend's suggestion and I hope that that suggestion will be carried into effect.

Mr. Speaker : Motion moved is—

That rule 12 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 8th February, 1940.

The motion was carried.

REFERENCE TO LATE RAI BAHADUR BINDA SARAN.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, it is my painful duty to announce to this House the sad news of the death of one of our esteemed and respected colleagues Rai Bahadur Binda Saran. When I arrived back from Delhi this morning, I heard that sad news and I believe I am voicing the feelings of all of us in saying that it is with the deepest regret that we have heard of the untimely death of a very esteemed and respected colleague. Rai Bahadur Binda Saran was held in esteem

[Premier.]
not only by the members of this House but throughout the province, and, if I may say so, outside the province also. He was a leading businessman and a businessman who was respected not only in business circles but by all classes and communities throughout the country. He had been ailing for some time and much to our regret we have not had the pleasure of having him with us since we started the present session. It is unfortunate that death should have parted him from us. I believe that I am voicing the feelings of the whole House in suggesting that we should record our deep sense of regret at his death and our sincere sympathy with his relatives; and since he was a sitting member of this House, I suggest that after this the House should adjourn in respect of the memory of our late colleague.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban): Sir, I support the motion made by the Honourable Leader of the House. Rai Bahadur Binda Saran died at a young age of 47. He was a cultured gentleman. He did not bear any ill-will even against his opponents. Really by his love he conquered the hearts of every one who had a chance of coming into contact with him. We have not only lost a colleague, but we have lost a true friend and a true gentleman. With these words I support the motion.

Sardar Sahib Sardar Santokh Singh: I associate myself with all that has been said by the Honourable Leader of the House as well as the Honourable Leader of the Opposition on this very sad event. Rai Bahadur Binda Saran who has unfortunately passed away in the prime of his youth was a gentleman of many and varied activities. As a commercial and business magnate, his activities extended not only to the Punjab but to the whole of the country. His religious zeal was amply testified by the notice that he gave of the introduction of the Mandar Sudhar Bill. It is very sad that he did not live long enough to see this Bill through the House. Politically he was a man of very sound and moderate views and was instrumental in bringing into existence this independent party. Our hearts are too full with grief at his demise for words. By the passing of such a man the province is distinctly poorer to-day.

Rai Sahib Lala Sohan Lal (North Punjab, Non-Union, Labour): Sir, I heartily associate myself with the remarks made by the Honourable Premier and other members of the House. In the sad and untimely death of Rai Bahadur Binda Saran we have lost a selfless worker whose honesty and integrity always stood above reproach. His was a genial nature and he had unassuming manners. He was a prominent and distinguished member of the business community of this province and his death has caused a loss which it would not be easy to repair.

Mr. Speaker: I think the whole House agrees that our sense of deep sorrow and sympathy be recorded, that our heart-felt condolence be communicated to the members of the bereaved family and that in respect of the memory of the deceased the House be adjourned for the rest of the day. (The House signified assent.)

The Assembly accordingly adjourned till 12 noon on Thursday, the 8th February, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 8th February, 1940.

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

STARRED QUESTIONS AND ANSWERS.

GIRLS SCHOOLS IN DERA GHAZI KHAN.

*4908. Khan Bahadur Sardar Muhammad Hasan Khan Gurchani : Will the Honourable Minister for Education be pleased to state community-wise the number of girls schools in Dera Ghazi Khan district and the places where they are situated, with the number of Muslim and Hindu students reading in each of them and whether the Government intends to open more girls' schools in the said district ; if not, reasons for the same ?

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

PRIMARY AND MIDDLE SCHOOLS IN THE HILLY TRACTS OF DERA GHAZI KHAN DISTRICT.

*4909. Khan Bahadur Sardar Muhammad Hasan Khan Gurchani : Will the Honourable Minister for Education be pleased to state the number of primary and middle schools in the hilly tracts of Dera Ghazi Khan district, the number of students receiving education in them and whether the Government intends to open more schools in the said parts of the district ; if not, why not ?

The Honourable Mian Abdul Haye :

Number of Schools.			Number of Scholars.		Whether Government intends to open more schools in the tribal area.
Middle	1	..	52	}	No more schools can be opened unless the necessary recommendation is made by the Deputy Commissioner.
Lower Middle	2	..	59		
Primary	3	..	75		

DISCIPLINE IN INTERMEDIATE COLLEGE, ROHTAK.

*5167. Pandit Shri Ram Sharma : Will the Honourable Minister for Education be pleased to state whether it is a fact that discipline in the

[Pt. Shri Ram Sharma.]

- studying in F. A. classes and 35 for students studying in high classes ; if so, the year in which this reservation was made ;
- (b) whether all these 39 scholarships have throughout been availed of by the students belonging to the scheduled castes and if not, the number and amount of scholarships not so availed of by them and also the year or years in which these scholarships were not availed of by those for whom these were reserved with the reasons for which such scholarships were not availed of by the students belonging to the scheduled castes ;
- (c) whether the number of scholarships reserved for the students belonging to scheduled castes and studying in B. A. and F. A. classes has recently been doubled, if so, since when ?

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

DEAD HOUSE, ROHTAK.

***5236. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that in reply to a public representation the Inspector-General of Hospitals, in his letter No. 9622-G.-11, dated 21st August, 1939, refused to order for the removal of the Dead House, Rohtak, from near the populated area of the town, for the reason that the applicants did not agree to share the additional cost ;
- (b) the distance at which the above-mentioned Dead House is situated from the populated area, and the reasons and justification for not removing it at Government cost ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The building is situated quite near certain residential quarters. The question of removing the mortuary to another site is engaging the consideration of Government.

Pandit Shri Ram Sharma : Is it a fact that the Inspector-General of Hospitals gave a reply to the complainants to the effect that the Dead House would be removed only if they were prepared to share one-half of the expenditure likely to be incurred on its removal ?

Minister : Possibly the information of my honourable friend is correct.

Pandit Shri Ram Sharma : Then may I ask as to why such a reply was given by such a responsible officer of the Government ?

Minister : When the matter was brought to my notice I issued instructions to the effect that if the present site of the mortuary was unsuitable, it should be removed to some other suitable place at Government expense, and that the public should not be required to contribute.

LAW COLLEGE, LAHORE.

*3561. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state—

- (a) the number and the names of those students of the Law College, Lahore, who were short of lectures and who were studying in the college last year ;
- (b) the number and the names of those among them who were sent up for examination held in 1939 in spite of their lectures being short and also of those whose names were not sent up with the reasons for not considering the shortage of lectures in their case ?

The Honourable Mian Abdul Haye : (a) Thirty-two students were short of lectures. Their names are :—

LL.B. Class.	F. E. L. Class.	P. E. L. Class.
1. Mir Akram Mahmud	1. Bhopinder Singh Lehr	1. Abdul Majid Gulzar.
2. Lakhmi Narain Das Gupta.	2. Roshan Lal Jain	2. Ajit Singh Rajwara.
	3. Sant Ram Gupta	3. Bashir Ahmad.
	4. Sakhdew Singh Patpatia.	4. Jogindar Singh.
	5. Parshotam Lal Merwaha	5. Said K. Haq.
	6. Prithvi Raj Palta	6. Mohammad Sadiq.
	7. Nazir Ahmad	7. Pyare Lal Bhalla.
	8. Muhammad Abdul Ghafur	8. Harjit Lal Bakshi.
		9. Saadat Nawaz Khan.
		10. Sampuran Singh Haren.
		11. Raja Sher Ali.
		12. Sultan Mahmud.
		13. Surendra Nath Anand.
		14. Vidya Parkash Jain.
		15. Zulfikar Khan Daba.
		16. Sultan F. Hussain.
		17. Bakhtawar Singh Dhaliwal
		18. Jaswant Singh Ahluwalia.
		19. Prem Nath Saronwala.
		20. Qaisar Mustafa.
		21. Ratan Lal Bhargava.
		22. Rajinder Singh Jodhar.

LAW COLLEGE, LAHORE.

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LL.B. Class.	F. E. L. Class.	P. E. L. Class.
1. Mir Akram Mahanad	1. Bhopindar Singh Lehr	1. Abdul Majid Gulnar.
2. Lakshmi Narain Das Gupta.	2. Hoshan Lal Jain	2. Ajit Singh Rajwara.
	3. Sant Ram Gupta	3. Bashir Ahmad.
	4. Sakhdov Singh Patpatis	4. Jogindar Singh.
	5. Pambhotam Lal Merwaha	5. Said K. Haq.
	6. Pritavi Raj Palta	6. Mohammed Sadiq.
	7. Nazir Ahmad	7. Pyare Lal Bhalla.
	8. Muhammad Abdul Ghafur	8. Hanjit Lal Bakhshi.
		9. Saadat Nawaz Khan.
		10. Sampuran Singh Haren.
		11. Raja Sher Ali.
		12. Sultan Mahmud.
		13. Surendra Nath Anand.
		14. Vidya Parkash Jain.
		15. Zulfiqar Khan Daba.
		16. Sultan F. Hussain.
		17. Bakhtawar Singh Dhaliwal
		18. Jaswant Singh Ahluwalia.
		19. Prem Nath Saranwala.
		20. Qaisar Mustafa.
		21. Ratan Lal Bhargava.
		22. Rajinder Singh Jauhar.

[Minister for Education.]

(b) Out of these, twenty eight candidates were sent up for the examination. The names of the following four students were not sent up :—

F. E. L. Class.

P. E. L. Class.

1. Bhopindar Singh Lehr

2. Jogindar Singh.

3. Mohammed Sadiq.

4. Sultan F. Hussain.

The applications for condonation of shortage in lectures in these cases were duly considered by the committee appointed by the Syndicate for the purpose in the case of (1) and by the Vice-Chancellor in the case of (2), (3) and (4). The cases were disposed of in accordance with the prescribed rules on the merits of each case.

MASTER SALIG RAM, VERNACULAR TEACHER, GOVERNMENT SCHOOL, RUPAR.

*5686. **Lala Duni Chand** : Will the Honourable Minister of Education be pleased to state—

(a) the period for which Master Salig Ram, Vernacular teacher, Government School, Rupar, has been in the said school ;

(b) whether any complaints have been made to the authorities against him regarding discouraging such students in the examinations who are likely to leave the Government High School, Rupar ;

(c) whether it is a fact that the Municipal Committee, Rupar, in its general meeting held on 23rd September, 1939, passed a resolution supporting these complaints against the said master Salig Ram, if so, what action has been taken thereon ?

The Honourable Mian Abdul Haye : (a) Since the 16th March, 1932.

(b) No.

(c) Answer to the first part of the question is in the negative, the second part does not arise.

Lala Duni Chand : May I know if it was not decided by the municipal committee that action should be taken against that teacher, and if a recommendation with regard to it was made by the municipal committee why is it that that recommendation was not given effect to ?

Minister : The honourable member in putting this supplementary question wants to raise the same point which is mentioned in part (b) of the question. The answer is in the negative.

Lala Duni Chand : I want to draw the attention of the Honourable Minister to part (c) of my question where it is said that the Rupar Municipal Committee in its general meeting held on 23rd September, 1939, considered the question with regard to the said teacher and passed a resolution recommending that action should be taken against the said teacher.

Minister : I have already stated that answer to the first part of the question is in the negative. The committee did not come to any such decision.

HOSPITAL ADVISORY COMMITTEE, LUDHIANA.

***5808. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Education be pleased to state—

- (a) whether a hospital advisory committee has been constituted by the Civil Surgeon of Ludhiana as directed sometime ago by the Punjab Government ;
- (b) if so, the date of its constitution as well as the number and names of its members ;
- (c) the number of meetings, if any, held so far since its constitution with the dates when these meetings were held and the agenda that came up for discussion in each such meeting ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The committee was constituted on the 30th January, 1982. It consists of 12 members, whose names are given below :—

- (1) Chaudhri Muhammad Hasan, M.L.A.
- (2) Pandit Muni Lal Kalia, M.L.A.
- (3) Sardar Lal Singh, Advocate, M.L.A.
- (4) Sardar Dasaundha Singh, Advocate, M.L.A.
- (5) Sardar Kapur Singh, Advocate, M.L.A.
- (6) Dr. Ram Gopal Beri, Member, Municipal Committee, Ludhiana.
- (7) Maulvi Muhammad Din, Member, Municipal Committee, Ludhiana.
- (8) Dr. Jagdishwar Singh, Member, District Board, Ludhiana.
- (9) Chaudhri Muhammad Suleman, Advocate, Member, District Board, Ludhiana.
- (10) Dr. Dame Edith Brown.
- (11) Khawaja Shamas-ud-Din.
- (12) Sardar Bahadur Dr. Kartar Singh.

(c) Two meetings were held on the 30th January, 1982 and on the 25th November, 1989, respectively :—

Agenda for the meeting held on the 30th January, 1982.

- (1) Appointment of Vice-President of the Committee.
- (2) Appointment of Honorary Secretary.
- (3) Inspection of Civil Hospital, Ludhiana, and suggestions for its improvements.

Agenda for the meeting held on the 25th November, 1989.

- (1) Suggestions for the improvements of the efficiency of the staff.
- (2) Promoting the well being of the patients.
- (3) Raising subscriptions from the public for provision of additional comforts and amenities for patients.

CHARGING OF FEES BY DOCTORS IN THE FAMILY WARD OF THE MAYO HOSPITAL, LAHORE.

***5828. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the fact that the doctors employed in the Family Ward of the Mayo Hospital, Lahore, charge fees

[Mian Sultan Mahmud Hotiana.]

from the patients according to the financial position of the patients for operations performed ;

- (b) whether this method of charging fees has the approval of the Government, and if not, the action that Government propose to take in the matter ?

The Honourable Mian Abdul Haye : (a) and (b). Operation fees are charged from patients in the private and family wards of the Mayo Hospital, Lahore, according to the income of the patient as laid down in Sub-Appendix I to Appendix LIII of the Punjab Medical Manual, a copy of which is available in the Assembly Library.

Mian Sultan Mahmud Hotiana : Does the Government consider it desirable that a doctor who uses the Government instruments during his duty hours and earns thousands of rupees every month should charge fees from the patients in the hospital ? Is it legitimate ?

Minister : If the patient is able to afford the fee, the doctor is entitled to charge it.

Mian Sultan Mahmud Hotiana : Does the Government take its share out of the fee charged by the doctors for using the hospital instruments ?

Minister : Yes, the Government does.

Mian Sultan Mahmud Hotiana : May I know how much ?

Minister : It was suggested sometime back that as the place and the instruments belonged to the Government the fee charged by the doctors should be divided between them and the Government. It was, therefore, decided that the doctors should charge fee according to the schedule. A small additional fee was ordered to be credited to the Government treasury by the patients. Now this matter is being considered by the present Government.

Mian Sultan Mahmud Hotiana : Is it legitimate and desirable for the doctors to charge fee for the work done during their working hours ?

Minister of Education : This matter is under consideration.

Mian Sultan Mahmud Hotiana : How is an estimate of the income of a patient made ? Is his property taken into consideration ?

Minister : I cannot go into the details.

Mian Sultan Mahmud Hotiana : Is it within the knowledge of the Honourable Minister that there are some doctors who charge one thousand rupees as operation fee from the patients ? In view of this does the Government intend to fix a rate of fee ?

Minister : If the honourable member looks at the schedule he will find that rates are given in the appendix.

Mian Sultan Mahmud Hotiana : May I know if the rate has been fixed according to the income of the patients ?

Minister : Yes. The fixed rate is according to the income of the patients.

Dr. Gopi Chand Bhargava : May I know how long the Government will take to fix a rate with regard to fee? On 22nd November, 1938, the Minister said, "The matter is receiving the consideration of the Government."

Minister : I think it will be decided within two months or so.

Lala Duni Chand : May I know whether it has come to the knowledge of the Honourable Minister that the working of the present rules leads to hardship in the case of many patients?

Minister : It is a very vague and general question.

Lala Duni Chand : In view of the fact that the Honourable Minister proposes to modify or reconsider these rules, is it not within his knowledge that this rule has been abused in many cases? How does he propose to reconsider the matter?

Mian Sultan Mahmud Hotiana : Is it true that the people are generally ignorant of the schedule and when they go to consult the doctors at their residence they demand 3 or 4 hundred rupees from them and the poor people agree to pay it willy-nilly?

Minister : If those people are poor, their treatment is done free of any charge. People having a monthly income of less than Rs. 150 are entitled to free treatment.

Mian Sultan Mahmud Hotiana : Does it mean that from the patient whose income is less than Rs. 150 per mensem, no fee is charged in private wards?

Minister : A poor patient as the honourable member has defined should seek admission to the general ward. No fee is charged there. But if in spite of being poor he goes to the private ward, he will have to pay fee

GRANT OF RECOGNITION TO MIDDLE ARYA SCHOOL, BURKA KALAN.

***5830. Lala Duni Chand :** Will the Honourable Minister of Education be pleased to state whether it is a fact that the Middle Arya School at Burka Kalan, district Jullundur, was granted provisional recognition in 1929; if so, whether since then the said school has been granted permanent recognition and if not, why not?

The Honourable Mian Abdul Haye : Yes, but this provisional recognition lapsed after the 31st March, 1936, as the management failed to fulfil the conditions of recognition year after year. Fresh provisional recognition was, however, granted to the school in March, 1939. This has since been made permanent.

Lala Duni Chand : May I know the reasons why the provisional grant-in-aid was withdrawn in 1936?

Minister : The honourable member has to give me notice for it.

Mr. Speaker : This question does not arise from the answer given.

Lala Duni Chand : This question raises the question whether a provisional grant-in-aid was granted to the school in 1929, and I want to know what has happened during the past 10 years, whether it continues or

[L. Duni Chand.]

whether it is withdrawn, and if it is withdrawn what are the reasons. That is the very object of the question.

Mr. Speaker : Please read the question. It refers only to the provisional recognition.

Lala Duni Chand : The question runs as follows :—

Will the Honourable Minister of Education be pleased to state whether it is a fact that the Middle Arya School at Burka Kalan, district Jullundur, was granted provisional recognition in 1929, : if so, whether since then the said school has been granted permanent recognition and if not, why not ?

The Honourable Minister said that provisional grant-in-aid was withdrawn in 1936.

Mr. Speaker : I think the honourable member did not hear the Honourable Minister. He said that the provisional recognition, which has since been made permanent, was granted last year.

Lala Duni Chand : I thought that only provisional recognition was given.

Mr. Speaker : Which has since been made permanent.

Minister : In his anxiety to put supplementary questions, the honourable member did not care to hear what I said.

Lala Duni Chand : May I know whether any grant-in-aid was given ?

Mr. Speaker : Grant and recognition are two different things. I cannot allow any question with regard to grant.

PUNISHMENT TO TEACHERS GUILTY OF SEDUCTION OF BOYS.

*5833. **Lala Duni Chand :** Will the Honourable Minister for Education be pleased to state whether the departmental certificates of the three teachers mentioned in part (d) of the answer to starred question No. 4960,¹ asked by Lala Bhim Sain Sachar, M.L.A., on 2nd November, 1939, and found guilty of the serious crime of seduction of boys have since been cancelled and whether the Administrator, Lahore Municipality, has since held an inquiry against the fourth teacher mentioned in the same answer, and if so, the result of his inquiry and the action, if any, so far taken by him against that teacher ?

The Honourable Mian Abdul Haye : It has since been decided to cancel the senior Vernacular Certificate of M. Shah Mohammad, late Vernacular teacher, Islamia High School, Bhati Gate, Lahore. The cases of the other three teachers are still under consideration.

Lala Duni Chand : May I point out that this question was raised first in March, 1938, and then it was promised that the matter was going to be considered. Again it was raised in November, 1939. Then it was stated that action was decided upon. Now he says that the matter is still under consideration. This is what he was pleased to say in the reply in November, 1939.

¹Volume X, page 398.

Minister : The Administrator of the Lahore Municipality, has been asked to hold the necessary enquiry and take suitable action. He has not yet reported as to what action has been taken.

Lala Duni Chand : Is it not a fact that the reply to a similar question in November, 1939 was that the facts have been ascertained and that action has been taken against three teachers? Was not that the reply? I have got the reply with me.

Mr. Speaker : Please read out the reply.

Lala Duni Chand : That question was put by Lala Bhim Sen Sachar and it was stated in reply that action was being taken and that the facts had been ascertained.

Mr. Speaker : Please read out the reply.

Lala Duni Chand : I cannot lay my hand on that reply just now. (*Interruptions.*) I want to put another question.

Mr. Speaker : When a question has been asked and answered on the floor of the House, I will not allow a fresh question to be asked on the basis of the previous question, unless its printed version is read, if necessary.

Lala Duni Chand : Is it not my right?

Mr. Speaker : It is not the honourable member's right because the honourable member might have misunderstood it or forgotten it. He cannot base his questions only on memory. To base questions only on recollection is a very serious matter. I cannot allow it.

Lala Duni Chand : Do I understand—(*Interruptions and voices : Order, order.*) It is very important. I accept your ruling, but—

Mr. Speaker : The honourable member has taken several minutes of the valuable time of the House but he has not been able to lay his hands on the printed proceedings.

Lala Duni Chand : I have given up that matter. I could not get the proceedings. My question is different. My question is, against how many teachers this case remains to be further considered. Whether it has been considered against four teachers? That information he could give me independently of the proceedings.

Minister : I have already said that the cases of three teachers are under consideration.

Pandit Shri Ram Sharma : The Honourable Minister has stated that action has been taken against three teachers, and out of them the certificate of one teacher has been cancelled. But about the fourth teacher he has stated that his case is being inquired into by the Administrator. May I know why the Administrator has not been able to complete the inquiry during the past five months?

Mr. Speaker : That is what the Minister stated. If the honourable member did not follow it, it is not the fault of the Honourable Minister.

Pandit Shri Ram Sharma : No, Sir, the Honourable Minister has pointed out that out of three teachers the cases of two are still pending. But he has not cared to say anything with regard to the fourth teacher.

Mr. Speaker : How can the Honourable Minister state it? The matter has been referred to the Administrator and no reply has come yet.

Pandit Shri Ram Sharma : The question is quite a different one. The Honourable Minister has stated that enquiry has been completed about three teachers.. The certificate of one teacher has been cancelled and the cases of other two are under consideration. But he has not given any information regarding the fourth teacher. I want to know as to what action has been taken in his case.

Lala Duni Chand : Will you allow me to pursue this question?
(Interruptions.)

Mr. Speaker : Very many supplementary questions have been asked already.

Lala Duni Chand : It is entirely different from the reply which he gave last time.

REFUSAL OF HEADMASTER OF TOSHAM SCHOOL IN BHIWANI TAHSIL.

*5849. **Chaudhri Sahib Ram :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the fact that at the instance of the A. D. I. of the circle the Headmaster of the Tosham School, in Bhiwani tahsil, district Hissar, refused to admit students who wanted to study Hindi;
- (b) whether it is a fact that a large number of people out of resentment removed their sons from the said school;
- (c) whether the Government made an inquiry into the matter and took any action against the persons in fault in this case, if not, the reasons therefor?

The Honourable Mian Abdul Haye : (a) No. In August, 1939, the District Inspector of Schools, Hissar, issued instructions to the Headmasters of all District Board schools pointing out that some of the Headmasters used to introduce the teaching of Hindi instead of Urdu at the request of the parents without the previous sanction of the Department. He, therefore, warned them that no body was competent to change the medium of instruction without the sanction of the Director of Public Instruction, Punjab. Obviously these orders did not apply to the school at Tosham where provision for the teaching of both Urdu and Hindi already existed. The Headmaster seems to have refused admission to the students under a misapprehension. The District Inspector of Schools, however, permitted the students concerned to join the school.

(b) No. Only a few boys stayed away from the school for a day or two.

(c) Under the circumstances indicated in (a) and (b) no inquiry was necessary.

SAMPLE OF ANTI-SNAKE BITE MEDICINE BY ONE SARDAR DHEAN SINGH.

*5860. **Captain Sodhi Harnam Singh :** Will the Honourable Minister for Education be pleased to state whether a sample of the anti-snake bite

medicine prepared by one Sardar Dhean Singh of village Saranwala in the Ferozepore district was supplied to the Inspector-General of Civil Hospitals, Punjab, in June, 1939, for testing its effectiveness; if so, whether the needful was done and with what result?

The Honourable Mian Abdul Haye : The Inspector-General of Civil Hospitals, Punjab, forwarded the sample to the Director, Central Research Institute, Kasauli, for testing, but it was received back unexamined as the testing of snake bite remedies of the kind was no longer undertaken at the Institute.

EXTENSION GIVEN TO MR. SHERANI AND MR. MUHAMMAD SHAFI
OF ORIENTAL COLLEGE, LAHORE.

*5872. **Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Education be pleased to state—

- (a) whether any extensions have been granted to the following gentlemen; if so, for what period and what allowances will they now draw;
- (b) (1) Mr. Sherani, Reader in Urdu language, Oriental College, Lahore, (2) Mr. Muhammad Shafi, Principal, Oriental College, Lahore;
- (c) whether they had submitted any application for extension or re-employment; if so, for what period and on what emoluments;
- (d) special reasons for granting these extensions?

The Honourable Mian Abdul Haye : (a) and (b) The following extensions have been given by the University :—

1. Mr. H. M. Shairani, Lecturer in Urdu, Oriental College, Lahore. Extension of service for a period of 2 years was granted with effect from 15th October, 1936, at Rs. 400 per mensem the salary which he was drawing. On the expiry of this extension he was re-appointed as Lecturer in Urdu at the Oriental College for a period of 2 years with effect from 15th October, 1938, at a salary of Rs. 850 per mensem the maximum of the revised grade of a Lecturer.
2. M. Muhammad Shafi, Principal, Oriental College, Lahore. He was re-appointed for one year with effect from 1st October, 1938. In March, 1939, he was re-appointed for a further period of 3 years with effect from 1st October, 1939. He will draw Rs. 1,485 per mensem (Rs. 1,250 as salary, Rs. 185 as house allowance and Rs. 100 allowance as Principal.)

(c) Mr. H. M. Shairani did not submit any application when he was given extension for two years from October, 1936. In 1938 applications were invited for Lectureship in Urdu in the grade of Rs. 200—15—350 and Mr. Shairani applied for this post.

[Minister for Education.]

Principal Muhammad Shafi did not submit any application for extension or re-employment.

(d) The special reasons for re-appointing Mr. Shairani are given in paragraph 2 of the proceedings of a meeting of the Senate, dated the 1st December, 1938, a copy of which is laid on the table.

The reasons for the extension granted to Principal Muhammad Shafi, are his high scholarship, his continued, excellent work in conducting and guiding research work and his splendid services to the cause of Oriental learning and administrative ability as Principal, Oriental College.

Diwan Chaman Lall : May I ask whether it is a fact that Mr. Shairani actually applied for re-appointment on a salary of Rs. 200 whereas my honourable friend has given him an appointment of double that amount on his re-appointment ?

Minister : I have given him no appointment.

Diwan Chaman Lall : Whoever has appointed him ?

Minister : The University.

Diwan Chaman Lall : Is it a fact that he applied to be employed on Rs. 200 a month, whereas he has been taken on double that salary ?

Minister : The information supplied to me is that Mr. Shairani had put in an application but I have no information as to whether he agreed to accept Rs. 200 or more.

Diwan Chaman Lall : If my honourable friend would read the reply, he will find that the sum of Rs. 200 has been mentioned.

Minister : That was the grade.

Diwan Chaman Lall : He was not drawing more than the grade apparently ?

Minister : Rs. 200 is the start and it goes up to Rs. 350.

Diwan Chaman Lall : What is the grade now ?

Minister : Rs. 200—15—350.

Diwan Chaman Lall : What is he actually drawing now on re-appointment ?

Minister : Rs. 350, the maximum.

Diwan Chaman Lall : May I ask whether it is the policy of the University to appoint those men who have finished their full period of service and not to give a chance to others who may be equally eligible ?

Minister : It is very difficult for the Government to state the policy of the University in this matter ; but I may state for the information of the honourable member that recently the Syndicate passed a resolution that the employees of the University should retire not at the age of 55 but at 60.

INFORMATION ABOUT GRANT-IN-AID TO RECOGNISED AND AIDED SCHOOLS.

***5894. Lala Deshbandhu Gupta:** Will the Honourable Minister of Education be pleased to state—

- (a) the months in which the information about grant-in-aid was given to recognised and aided schools during the last two years, particularly to schools in the Ambala division by the department;
- (b) whether it is a fact that the Education Department instead of informing the schools mentioned in (a) above about the grant-in-aid on the 1st April and 1st of October, of each year, informed them about it in the months of June and January of each year respectively; if so, the reasons for the delay and the action the Government intends to take in the matter of informing such schools regarding grant-in-aid in future?

The Honourable Mian Abdul Haye : (a) The required information is given below :—

Year.	Month and year in which grant for the first half year was sanctioned.	Month and year in which grant for the latter half year was sanctioned.
1937-38 ..	May, 1937 ..	December, 1937.
1938-39 ..	May, 1938 ..	January, 1939.

(b) No. In this connection the Honourable Member is also referred to my reply to question No. 664^a asked in the last session of the Assembly.

Orders sanctioning grants for the latter half of the current financial year were issued in December.

HOME SCIENCE SCHOOL AT SHARAKPUR, DISTRICT LAHORE.

***5897. Mrs. Duni Chand :** Will the Honourable Minister for Education be pleased to state—

- (a) whether there was a proposal under the consideration of Government to start Home Science School at Sharakpur, district Lahore;
- (b) if so, whether this proposal has matured;
- (c) the details of the curriculum and the staff of the said school?

The Honourable Mian Abdul Haye : (a) and (b) A normal school for women junior vernacular teachers with emphasis on domestic science has been started at Sharakpur with effect from the 23rd October, 1939.

[Minister for Education.]

(c) The curriculum is as for all Junior Vernacular classes for women with emphasis on domestic science. The staff at present consists of a head mistress and two teachers.

Mrs. Duni Chand : May I know the number of mistresses appointed and girl students studying in those schools where Home Science has been introduced ?

Minister : I require notice for that.

Mrs. Duni Chand : May I know if Government intend to introduce Home Science in other schools also ?

Minister : Home Science is already taught in almost all the girls schools.

— — — — —
ORDERS ISSUED BY EDUCATION DEPARTMENT TO AIDED HINDI GIRL
SCHOOLS STOPPING THEIR GRANT-IN-AID.

*5898. **Mrs. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that orders have been and are being issued by the Education Department to the aided Hindi Girls Schools stopping their grant-in-aid on the ground that the mistresses employed by them are not trained ;
- (b) the number and names of such schools ;
- (c) whether similar orders have been issued or are intended to be issued to the District Board girls schools ; if not, the reasons therefor ;
- (d) whether the Education Department has been able to meet the demands of Hindi aided schools for supplying trained mistresses to them ?

The Honourable Mian Abdul Haye : (a) No.

(b) and (c) Do not arise.

(d) The Department has so far received no complaints in regard to the paucity of trained Hindi Mistresses.

Mrs. Duni Chand : May I know if Government intend to permit the untrained mistresses to continue till the trained ones are available, so that the education of the girl students may not suffer ?

Minister : I have already made this matter clear in reply to another question. However I may point out that orders were issued to the elementary schools that they should employ trained teachers, because under the rules grant-in-aid is to be given on the basis of salaries of the trained and not untrained teachers. When these orders were communicated to the aided Hindi Girls Schools, representations to this effect were received from them that as the requisite number of trained mistresses was not forthcoming, the untrained mistresses might be allowed to continue to work till the trained ones were available and that the grant-in-aid should not be stopped. Their request has been granted and they have been asked to get their untrained mistresses trained in the Government Normal Schools, within a certain period.

Pandit Shri Ram Sharma : May I know if certain girls schools have been closed because Government stopped their grant-in-aid on the ground that the mistresses employed by them were not trained?

Minister : No school has been closed down on this ground.

INSPECTRESS OF LAHORE CIRCLE GIRLS SCHOOLS.

***5890. Mrs. Duni Chand :** Will the Honourable Minister for Education be pleased to state whether it is a fact that the Inspectress of Lahore circle girls schools has, by letter No. 5143, dated 30th September, 1939, proposed to stop the grant-in-aid of the girls school, Baramanga, district Gurdaspur: if so, reasons for doing so?

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

TEACHING STAFF OF UNIVERSITY LAW COLLEGE.

***5901. Mian Muhammad Nurgallah :** Will the Honourable Minister of Education be pleased to lay on the table of the House a list of the members of the teaching staff of University Law College, Lahore, stating in respect of each member of the staff:—

- (a) the number of years that he has been serving on the staff of the University Law College and the pay which he is drawing at present;
- (b) his standing as an advocate at the time he was first taken on the college staff;
- (c) the tribe to which he belongs and whether that tribe in the district of his origin is notified as an agricultural tribe under Section 4 of the Punjab Alienation of Land Act?

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

Statement regarding teaching staff of Law College, Lahore.

No.	Name.	(a)		(b)	(c)	
		Total period of service on the staff.	Present salary.		The tribe to which he belongs.	Whether his tribe in the district of his origin is a notified agricultural tribe.
1	C. L. Anand, Esquire ..	20 years— part-time lecturer .. 2 years Whole-time Reader .. 4 years. Principal .. 14 years. 17 years —	Rs. 1,250	Three years when appointed—part-time lecturer.	Hindu (Kshatriya)	No.
2	Rahim Baksh, Esquire ..	Part-time lecturer .. 2 months. Whole-time Reader .. 17 years	750	Seven years	Araia agriculturist tribe.	Yes.
3	C. L. Mathur, Esquire ..	12 years— Whole-time Reader .. 12 years.	750	Nine years	Kayastha	No.
4	D. B. Mahajan, Esquire ..	10 years— Part-time lecturer .. 2 years. Whole-time Reader .. 8 years.	750	Four years	Hindu Mahajan	No.

No.	A. Q. Malik, Esquire	7 years— Part-time lecturer .. 7 months. Whole-time Reader .. 6½ years	750	11 years and 4 months.	Malik (Kashmiri) ..	No.
6	S. K. Ahmad, Esquire ..	7 years ..	200	5½ years	Kakral (Pathan) ..	Yes.
7	P. M. Lal, Esquire ..	7 years ..	200	6 years	Christian ..	No.
8	Bhagwan Dass, Esquire ..	7 years ..	200	5 years	Hindu (Kashatriya)	No.
9	Vishnu Datta, Esquire ..	7 years ..	200	5½ years	Hindu (Kashatriya)	No.
10	M. A. Majid, Esquire ..	7 years ..	200	14 years	Araia ..	Yes.
11	Narotam Singh, Esquire ..	6 years ..	200	10 years	Sikh (Khatri) ..	No.
12	Manohar Lal Sachdeva, Esquire.	6 years ..	200	7 years	Hindu (Arora) ..	No.
13	J. N. Khosla, Esquire (University Lecturer in Politics and Constitutional Law).	6 years ..	200	One year	Hindu (Kashatriya)	No.
14	Akbar Ali, Esquire ..	6 years ..	200	15 years	Sheikh ..	No.
15	Tok Chand, Esquire ..	6 years ..	200	6 years	Hindu (Sood) ..	No.
16	Niaz Ali, Esquire ..	6 years ..	200	20 years	Sheikh ..	No.
17	M. L. Whig, Esquire ..	6 years ..	200	12 years	Kashatriya ..	No.
18	Harbans Singh, Esquire ..	2 years ..	200	8 months	Sikh ..	No.
19	Kartar Singh, Esquire ..	2 years ..	200	7 years	Sikh ..	No.
20	Mahmud Ali, Esquire ..	2 years ..	200	6 months	Qureshi ..	Yes.
21	R. P. Khosla, Esquire ..	One year ..	200	8 years	Kashatriya ..	No.

No.	Name.	(a) Total period of service on the staff.	Present salary.	(b) Standing as advocate when first taken on the staff.	(c) The tribe to which he belongs.	(d) Whether his tribe in the district of his origin is a notified agricultural tribe.
22	Jindra Lal, Esquire	One year ..	Ra. 200	4 years	Hindu (Seed)	No.
23	F. H. Shah, Esquire	4 years ..	200	6 years	Sayed	Yes.

RECRUITMENT OF THE COLLEGE STAFF OF THE UNIVERSITY LAW COLLEGE.

*5902. **Mian Muhammad Nurullah :** Will the Honourable Minister of Education be pleased to state the principles or rules according to which recruitment or changes are made in the college staff and the number of years for which a person is normally allowed to serve on the college staff and the circumstances under which departures are considered permissible from the normal rules followed?

The Honourable Mian Abdul Haye : The post of the Principal, Law College, Lahore, is permanent, subject to the Punjab University Regulation as to age limit of retirement. The four posts of whole-time Law Readers at the college are renewable every five years subject to their work being satisfactory. The posts of part-time teachers are renewable annually provided their work is satisfactory and there is need of their services at the college. There is no period prescribed by the University rules after which such men must retire. Each case is dealt with on its merits. During the last ten years the maximum period put in by any of the part-time teachers was nine years.

DOUBLE FEE CHARGED IN SCHOOLS.

*5904. **Khan Sahib Sayad Badr Mohy-ud-Din Qadri :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that double fee is charged in the schools from those students whose parents' annual income is Rs. 2,000 or exceeds it;
- (b) whether it is a fact that no special facilities are provided for such students;
- (c) the reasons for maintaining this discrimination?

The Honourable Mian Abdul Haye : (a), (b) and (c) Under Article 114 of the Punjab Educational Code, XI edition, read with Article 117 *ibid*, parents with an annual income of Rs. 2,000 or more pay tuition fees of the 1st grade for their children reading in Anglo-Vernacular Secondary Schools. Others pay fees of the 2nd grade. The first grade fee is double that of the 2nd grade. No special facilities are provided for students paying the 1st grade fee as this is only the normal rate of fee, the 2nd grade fee being a concession for students of limited means.

OPENING OF A GIRLS SCHOOL AT BILGA, DISTRICT JULLUNDUR.

*5918. **Shrimati Raghbir Kaur :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Government intends to open some new girls schools in the Jullundur district in the near future;
- (b) whether it is intended to open a girls school at Bilga, district Jullundur, following the scheme, mentioned in (a), if not, the reasons for the same?

The Honourable Mian Abdul Haye : (a) The honourable member is aware that 180 new girls' primary schools have been opened recently throughout the province including 4 in the Jullundur district. It is not proposed at present to open more schools.

(b) No such proposal has so far been referred to Government.

Shrimati Raghhbir Kaur : Will the Honourable Minister please state whether it is a fact that the Government intended to open a school at Bilga, which is a very important village in Jullundur district, but later on the idea was dropped because the majority of the people residing in that village are Congressites?

Minister : The honourable member is probably aware of the fact that 180 new girls schools are being opened by the Government this year. Government have imposed this condition that the people of the area, who feel the necessity for such schools, should themselves get a building constructed there. Before opening new schools we ascertain the number of existing schools in a particular district. Wherever the number of existing schools is small more schools are likely to be opened. So far as Bilga is concerned, we have received no request for opening any school there and so long as the people of that village do not accept the condition that they are ready to place a building at the disposal of the Government we cannot open any school there. Then there are other circumstances which have to be taken into consideration and the Government have also to ascertain the number of existing schools in the neighbouring ilaqa, before they take any action in this connection.

Sardar Rur Singh : What are the "other circumstances"?

Minister : I have already stated the other circumstances, viz., that the number of existing schools in that ilaqa has to be ascertained and if it is found that in any backward area only ten schools exist, the Government is prepared to open ten more schools and where 20 schools already exist no new schools will be opened.

Khan Sahib Khawaja Ghulam Samad : Has the Honourable Minister got a detailed list of the places where these 180 schools are to be opened?

Minister : I have already given the details to honourable members from the Ambala division and have consulted them in this connection.

Shrimati Raghhbir Kaur : Does the Honourable Minister know the population of Bilga and has he received any representation from the people of that village?

Pandit Shri Ram Sharma : Did the Government originally propose to open a school at Bilga?

Minister : I have already stated that only four schools are being opened in that ilaqa and not more.

Pandit Shri Ram Sharma : What I wanted to know was whether it is a fact or not that the Government originally intended to open a school at Bilga but when it was found that the majority of people there was Congress-minded the idea was dropped.

Minister : On the contrary the fact is that because uneducated persons generally dabble in politics it becomes all the more essential to provide educational facilities for them.

SCHOLARSHIPS FOR SCHEDULED CASTES.

***5921. Bhagat Hans Raj :** Will the Honourable Minister of Education be pleased to state—

- (a) the number of scholarships which are available for the scheduled castes students receiving training in different Government Normal Schools;
- (b) the number and names of the scheduled castes students who are receiving these scholarships this year?

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

ZAFARWAL DISPENSARY.

***5930. Shaikh Karamat Ali :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the whole building of the civil dispensary at Zafarwal in the Sialkot district including the dispensing room, the quarter for the indoor patients and the residential quarters of the doctor in charge of the dispensary and also of the dispenser is of a very old type, unhygienic and is in a dilapidated condition and there is a danger of its falling down any day ;
- (b) whether it is also a fact that in the ward meant for indoor patients there is accommodation only for eight such patients and that the number of such patients visiting this dispensary has, during the last five years, been more than 8 excluding the attendants on these patients and their attendants have had to be accommodated under the trees even in the extremes of climate ;
- (c) whether it is also a fact that no separate accommodation is provided in the said dispensary for attending to the female patients visiting this dispensary and for an operation room ;
- (d) if answers to (a), (b) and (c) above be in the affirmative, the action intended to be taken in the matter ;
- (e) whether any of his predecessors and any other officers of the Medical Department have ever inspected the said dispensary during the last five years ; if so, whether any of them has expressed in writing any opinion with regard to the condition of the building, and if so, whether he will be pleased to lay a copy of the remarks made on the table ?

The Honourable Mian Abdul Haye: (a) The buildings are old and dilapidated.

(b) There are eight beds for in-patients, while the daily average attendance of such patients has been below four so far.

(c) There is a separate out-patient department for women, but no accommodation is provided for women in-patients.

(d) The District Board, Sialkot, has not got sufficient funds for the construction of a new building for the dispensary. Necessary repairs and improvements to the existing building are, however, carried out according to the provision made in the budget for the purpose. As other dispensaries are also reported to stand in need of repairs, the Civil Surgeon has been asked to submit for the consideration of the Board a consolidated statement of the requirements of his department before the budget for the next financial year is framed.

(e) Yes. A copy of the remarks made by the Civil Surgeons at the time of their inspections during the last five years is laid on the table.

Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 30th June, 1935.

Condition of dispensary buildings, out-houses and compound.	No change in the buildings and compound. The filthy town drain still runs in front of the hospital and in spite of correspondence extending almost over a year on the subject of the condition of this drain, it is as bad as ever it was. Dumping of the town refuse in the open plot behind the hospital has been stopped but this space is still being used as a latrine.
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Extract paragraph No. 8 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 31st December, 1935.

3. Condition of dispensary buildings, out-houses and compound.	The buildings are old and dilapidated. Annual repairs which look as if they consisted of white washing and occasional plastering have been carried out about a fortnight ago, but already plaster is crumbling off the walls. I notice the steps leading into the dispensary proper have bricks missing but these have not been replaced. The rooms and compound are as clean as they can be under the circumstances. I notice that some effort is being made to keep the drain in front of the hospital clean. The well has no protection wall around as it is not used. I would suggest that the parapet be covered with thorny twigs and branches so as to prevent children approaching the well.
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Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 30th June, 1936.

3. Condition of dispensary buildings, out-houses and compound.	In fair repair. Very old buildings, compound and wards as clean as they can be.
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Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 31st December, 1936.

3. Condition of dispensary buildings, out-houses and compound.

The buildings are old and dilapidated. The dispensary and compound are as clean and tidy as they can be. I am addressing the District Medical Officer of Health in connection with the filth dump which seems to take all the nightsoil of the village and which has been made by the Small Town Committee within 20 spaces of the dispensary. The surroundings of the dispensary have been bad enough all these years with a filthy sewer in front, but the filth dump had added to this. Among repairs the following are required :—

- (1) Doors to the godown, (2) windows of the wards, (3) a proper floor in the godown, (4) new seats in the latrine, (5) the roof and wall of the fuel godown fell during the rains and should be reconstructed.

Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 30th June, 1937.

3. Condition of dispensary buildings, out-houses and compound.

No change in the buildings. The wards and the compound are clean and tidy. The filth dumping near the hospital has been discontinued. None of the repairs mentioned in my last report have yet been attended to by the District Board.

Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 31st December, 1937.

3. Condition of dispensary buildings, out-houses and compound.

The buildings and compounds are as clean as they can be. A visit to this dispensary always leaves one depressed, owing to its very dilapidated condition. The cloth of the partitions require renewal, as it is all torn and shabby looking. The drain in front of the dispensary is as filthy as it possibly can be. I am addressing the Deputy Commissioner about this.

Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 31st December, 1938.

3. Condition of dispensary buildings, out-houses and compound.

The quarters of the Sub-Assistant Surgeon are in a very dilapidated state of repairs.

The boundary wall on the east has fallen down. Several fittings in the dispensary have come off. I am given to understand that the annual repairs consisted in putting one layer of white wash to the dispensary buildings which comes off in no time. I notice that during several previous inspections, the dilapidated condition of the dispensary buildings and the quarters of the hospital staff has been remarked upon. The District Board Engineer should himself pay a visit to the dispensary, when he is on tour on this side and remove the worst defects at least. The wall is never used. It should be closed. The compound is as clean as one can expect under the circumstances.

[Minister for Education.]

Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 30th June, 1939.

2. Condition of dispensary buildings, out-houses, and compound.

Dispensary buildings specially the wards and the quarters of the hospital staff are falling down and require immediate attention of the Engineering Department of the District Board. All the hospital buildings are old and dilapidated. If possible a new hospital should be built here. I am glad to note that the wall on the east of the hospital compound has been repaired. The wall has also been repaired by Lala Sanji Mal of Barapind in Gurdaspur District at about the cost of Rs. 200—who deserves to be thanked for his generosity.

Extract paragraph No. 3 from the Inspection Report of the District Board Dispensary at Zafarwal by the Civil Surgeon of Sialkot for the half year ending 31st December, 1939.

3. Condition of dispensary buildings, out-houses and compound.

No action has been taken by the District Board on my remarks made under this heading on my last inspection. The wards are falling down and are very unsafe. The patients are put in the verandah and some under the trees. Compound is neat and clean.

SCARCITY OF DRINKING WATER IN VILLAGE ADAMPUR.

***5939. Chaudhri Sahib Ram :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the inhabitants of village Adampur in district Hissar are at present badly suffering from the scarcity of drinking water owing to failure of rains ;
- (b) whether last year the tank of the village was filled by canal water in Sadalpur area in the Hissar district free of cost ;
- (c) the reasons for refusing their request for filling the said tank by canal water this year while the scarcity of water is more acute this year than in the last year ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) There is scarcity of water in the village but the villagers have sunk kacha wells in the tanks.

(b) Yes.

(c) Tanks will be filled, as last year, in April and May. At present supply in the canals is too low to be taken to *barani* areas.

PATIENTS ADMITTED TO THE PUNJAB MENTAL HOSPITAL, LAHORE.

***5950. Chaudhri Kartar Singh :** Will the Honourable Minister of Education be pleased to state the number of private patients admitted to the Punjab Mental Hospital, Lahore, since 1st April, 1939, and the number of those among them who were discharged after having been cured and also the number of those who died in the Hospital ?

The Honourable Mian Abdul Haye : If by the term "private patients" the honourable member means those who pay themselves all expenses incurred on their maintenance in the hospital, the information is as follows :—

Number admitted since 1st April, 1939	31
Number discharged as cured	19
Died	2

THE MAYO HOSPITAL AFFAIRS.

***5978. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Education be pleased to state—

- (a) whether milk is given to patients in Mayo Hospital, Lahore, if so, whether it is given to all or to selected patients only and in the latter case the basis of selection ;
- (b) whether bearers in Mayo Hospital, Lahore, are employed on daily wage system or on permanent basis of service and whether they are entitled to any leave or not ?

The Honourable Mian Abdul Haye : (a) Milk is not a standard article of diet in all cases. It is given to those patients for whom other diets are not considered suitable on medical grounds, or as an "extra" depending upon the condition of health of the patient. Like all other diets it is given free only to indigent patients, who cannot afford their own diet.

(b) The bearers employed in the Mayo Hospital, Lahore, are inferior Government servants, and are governed by Fundamental Rule 87 which provides that the leave salary of an inferior Government servant shall not exceed what remains from his pay after providing for the efficient discharge of the duties of the post during his absence.

ANTIDOTE FOR SNAKE BITE PREPARED BY HAKIM NADIR SHAH.

***5982. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it has come to his notice that Hakim Nadir Shah, M.D.H., has recently prepared an effective antidote of snake bite named *Tiryag-i-Hindi* during his research of medical science ;
- (b) whether he is also aware that the District Boards of Jhang, Sheikhpura and Montgomery have tested this *tiryag* and the members of these boards have expressed very high opinion about this medicine ;
- (c) whether he is further aware that this medicine has been purchased by the various District Boards for use in rural and urban hospitals ; if so, whether Government is prepared to give it a trial to test its efficacy ?

The Honourable Mian Abdul Haye : (a), (b) and (c) Government have no information. A large number of so-called snake bite antidotes has been tested by the Central Research Institute, Kasauli, and found to be ineffective. The institute has therefore given up further testing of such remedies.

DEMONSTRATION BY KISANS AT LAHORE.

*4986. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the grounds on which he refused to receive a deputation of the Kisans of Lahore as proposed by them on 23rd March ;
- (b) the incidents following that refusal in connection with the Kisans' demonstration ;
- (c) the number of arrests so far effected in connection with the Kisan demonstration in Lahore on 23rd and 24th March, and the following days ;
- (d) the number of persons injured in consequence of cane-charge by the police ;
- (e) whether Government intends to proceed with prosecution of those arrested ?

The Honourable Major Sir Sikander Hyat-Khan : This question, which was originally tabled for the preceding session of this House, is now completely out of date, because the Kisan agitation to which my honourable friend refers ended some months ago, and the majority of those prosecuted have already been released before the expiry of their sentences.

SARDAR DAYA SINGH, AN INTERNEE.

*4988. **Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) whether he has recently received a representation from Sardar Daya Singh, an internee under the Criminal Law Amendment Act, of village Ghurial, district Jullundur, requesting for the grant of maintenance allowance ;
- (b) if the answer to (a) above be in the affirmative, reasons advanced for the grant of allowance and the action taken by the Government in the matter ?

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

(b) Daya Singh applied for a monthly allowance in view of his stringent financial circumstances. Government are satisfied that Daya Singh possesses sufficient means of livelihood in the village to which he is restricted. The application has, therefore, been rejected.

SECURITIES TAKEN UNDER THE INDIAN PRESS (EMERGENCY POWERS) ACT OF 1931.

*5017. **Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the number and amount of securities taken under the Indian Press (Emergency Powers) Act of 1931 which have been refunded during the years 1937 and 1938 ;
- (c) the number and amount of such securities taken during the years 1937 and 1938 ?

Parliamentary Secretary (Mir Maqbool Mahmood):

	Rs.
(a) Refunded initial security under section 3, (1), 5 cases involving	8,500
Refunded initial security under section 7 (1), 21 cases involving	11,800
Refunded under special orders of Government the security deposited by	
9 presses totalling	7,000
and	
by 4 publishers	7,500
Grand Total 39 cases involving	29,800
(b) 58 publishers and keepers of presses deposited	50,250

*5066. *Cancelled.*

APPROVED AND BLACK LISTS OF NEWSPAPERS.

*5170. **Pandit Shri Ram Sharma:** Will the Honourable Premier be pleased to state whether the old practice of maintaining approved and black lists of newspapers for the purposes of publication of court and other notices by the Government has been abandoned as announced by the Government a few months ago, and if not, how long will it take the Government to abandon that old practice?

Parliamentary Secretary (Mir Maqbool Mahmood): Government have made no announcement as suggested in the question, but it is a fact that the old system has been given up. All advertisements of Government departments are now placed by the Director of the Information Bureau, whose selection of newspapers in which to insert advertisements is not confined to any approved list. The second part of the question does not arise.

Pandit Shri Ram Sharma: May I know whether advertisements by courts are also included in this?

Parliamentary Secretary: I want notice.

Pandit Shri Ram Sharma: Notice is already there. I beg to draw your attention, Mr. Speaker, that notice is already there and I want to know the answer to this question.

Parliamentary Secretary: I am sorry I did not understand the question. The answer to my honourable friend's question is that advertisements by courts and other Government departments are treated alike.

Pandit Shri Ram Sharma: May I know if the system is that courts seeking to advertise send all their advertisements to the Director?

Parliamentary Secretary: If my honourable friend wants detailed information about this system, this is a question of policy which cannot be answered in reply to a question, but if he meets the Director of Information Bureau, he will give him the full information.

Pandit Shri Ram Sharma : That is a different matter my meeting the Director, but I want to know in answer to my question what is the system. Are the courts and other Government departments free to send their advertisements to newspapers or is that subject to the approval of the Director of Information Bureau ?

Parliamentary Secretary : If my honourable friend had enquired this in his original question, I could have answered it, but he asked if the old system has been abandoned and if so, why. I have answered that ; if he gives notice he will get the reply.

Pandit Shri Ram Sharma : Is it something strange to ask what is the new system ?

Parliamentary Secretary : The Information Bureau does this and if you want details you can have them from the Director.

Lala Bhim Sen Sachar : Why was it found necessary to transfer the work of giving advertisement to the Director of Information Bureau ?

Dr. Sir Gokul Chand Narang : To enslave the Press.

Parliamentary Secretary : I should like to have notice of the question to give a considered reply.

Dr. Sir Gokul Chand Narang : And what is the unconsidered reply ?

Lala Bhim Sen Sachar : The reply that the honourable member has given is that the old system has ended yielding place to a new system. I merely want to know as to what was the defect in the old system for which it was considered necessary to entrust this work to a person who may be supposed to exercise undue influence on the Press.

Parliamentary Secretary : The main feature of the old system was to have a list of approved and unapproved newspapers called a black list. That was the cardinal feature of the old system that has been abandoned and there is no such thing as a white list and black list for the purpose of giving advertisements. The control by a central office has presumably been undertaken on grounds of efficiency of work through a central agency.

Lala Bhim Sen Sachar : Do I take it that the Director is absolutely free to place advertisements in any paper which he likes ?

Parliamentary Secretary : That is the position.

Diwan Chaman Lall : May I take it therefore that the old black list having been abolished, a new black list is now in the mind of the Director and he can place any paper on the black list only known to him and to nobody else ?

Parliamentary Secretary : I would repudiate that insinuation underlying the question. I have not the power of prying into the minds of the Director or of my honourable friend opposite, but I can assure him that so far as the working of this new system is concerned Government understands that this is working satisfactorily.

Diwan Chaman Lall : I ask whether it is not a fact that under the old system everybody knew which papers were going to get advertisements and which not, whereas under the new scheme no body knows which papers

are getting advertisements, this being entirely left to the mercy of the Director who may exercise his largess or withhold his largess for reasons best known to him.

Parliamentary Secretary : If my honourable friend suggests that we should have a white list and announce the papers which will get advertisements, I am afraid the Government is not prepared to have that favouritism in the distribution of advertisements.

Diwan Chaman Lall : Is Government prepared to have favouritism of one official in regard to the entire press in preference to having a committee of this House or a department to deal with this matter?

Parliamentary Secretary : This particular officer who is dealing with the Press has been found both by experience and by the way he has handled this matter to be above board in this direction.

Diwan Chaman Lall : Is this a fact that this particular officer is being put unnecessarily in a position of having to choose and select certain newspapers? Is that a desirable thing?

Parliamentary Secretary : It is not so.

Diwan Chaman Lall : Is it a fact that that officer is the person who has to decide which newspaper is to get an advertisement and which not?

Parliamentary Secretary : He is the person who can give advertisements to any newspaper he likes or to the whole list of newspapers in the province.

Diwan Chaman Lall : Therefore he is the dictator and can exercise his influence over the newspapers. May I ask whether it is a fact?

Mr. Speaker : That is a question of opinion. So, the honourable member may draw his own inference.

Pandit Shri Ram Sharma : Can the Parliamentary Secretary state what are the considerations for which he selects newspapers for giving advertisements?

Parliamentary Secretary : If the honourable member gives notice, I shall give an answer after due enquiries.

Pandit Muni Lal Kalia : Has Government framed any rules for the guidance of this officer with regard to selection of newspapers for particular advertisements?

Parliamentary Secretary : No formal rules have been framed and it rests with the Director to give advertisements to any newspaper whether on black list or white list.

Sardar Sohan Singh Josh : There seem to be unwritten rules.

Lala Duni Chand : Granting there are no rules, are there any instructions issued by the Government as to the circumstances in view of which a paper is to be put on a black list?

Parliamentary Secretary : There is no black list, so no instructions are needed.

Diwan Chaman Lall : Are there any instructions issued by the Government for the guidance of the Director for him to exercise his judgment as to which papers are to be supported and does my honourable friend consider that this is a desirable state of affairs to place such powers of favouritism in the hands of one individual?

Parliamentary Secretary : I am not aware of any instructions to that effect.

Lala Duni Chand : May I know if the Government have given a *carte blanche* to the Director and if he is the sole authority to determine?

Diwan Chaman Lall : May I ask whether this is being done with the object of exercising undue influence over the press in the interests of the Unionist Party?

Mr. Speaker : Does this arise out of the answer?

Diwan Chaman Lall : Mr. Speaker, it arises directly out of this. What I am asking my honourable friend is this, is it a fact that these powers are being placed in the hands of this individual for the purpose of influencing the press for the benefit of the Unionist Party?

Premier : No.

Diwan Chaman Lall : Is it a fact that the actual effect of this favouritism will be of the nature described by me?

Premier : If my honourable friend had been in that position, that might have been the effect, but not under the present circumstances.

Diwan Chaman Lall : May I ask whether it is a fact that he is satisfied that this is a desirable state of affairs to place the Director over the press for the purposes of showing favouritism to certain organs which he desires should be helped?

Premier : This insinuation is unwarranted.

Diwan Chaman Lall : There is no insinuation. I ask whether it is a fact.

Premier : That is not a fact.

Diwan Chaman Lall : May I ask whether there are rules laid down by my honourable friend to guide this person?

Mr. Speaker : That question has been asked half a dozen times.

Diwan Chaman Lall : I am asking if there are any rules to guide this person to prevent him from showing favouritism?

Premier : My honourable friend always thinks of favouritism.

Diwan Chaman Lall : Everybody thinks so.

Premier : My honourable friend does not constitute the whole province.

Diwan Chaman Lall : But does my honourable friend know that the whole province thinks so?

Premier : No.

Diwan Chaman Lall : Does he as Premier consider it a desirable thing for one official unanswerable to anybody being vested with these powers of favouritism?

Premier : Every official is answerable to Government.

Diwan Chaman Lall : May I ask whether this particular official then disposes of his largesse in consultation with the Government ?

Premier : My honourable friend always dreams of largesse, but I can assure him there is no largesse.

Diwan Chaman Lall : Favouritism ?

Premier : No.

Diwan Chaman Lall : Advertisements ?

Premier : Yes.

Diwan Chaman Lall : Does he do so in consultation with my Honourable friend ?

ADJOURNMENT MOTION.

STRIKE IN GOVERNMENT TANNING INSTITUTE, JULLUNDUR.

Sardar Mula Singh (Hoshiarpur West, General—Reserved Seat, 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 situation created by the authorities of the Government Tanning Institute, Jullundur, by refusing to admit students who went on strike on the 9th November, 1939.

1 p.m.

Mr. Speaker : The next motion.

Sardar Mula 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 decision of the Punjab Government regarding the strikers of Government Tanning Institute, Jullundur, serving them with notices to rejoin the Institute within 48 hours and threatening them with expulsion from the Institute if they failed to rejoin it.

Mr. Speaker : When did the strike take place and when did the Government decide the matter ?

Sardar Mula Singh : The strike took place on the 9th of November, 1939, and the notices were served on the students and their parents on the 3rd January, 1940, which were received after four or five days, i.e., on the 7th or 8th January. Let me also point out that I sent a short notice question on the 21st of November, 1939, which was changed into a long notice question and put in the list of questions dated the 9th January, 1940, and asked on the 30th January.

Mr. Speaker : Will the honourable member please confine his remarks to the notice issued by the Government ?

Sardar Mula Singh : The notice was issued on the 3rd January, 1940.

Mr. Speaker : Up to what date had they to apply ?

Sardar Mula Singh : The notice was given to the effect that they should rejoin the Institute within 48 hours. These notices were received on the 7th or 8th January, 1940.

Mr. Speaker : To-day is the 8th of February, 1940.

Sardar Mula Singh : The students took three days to decide but their demands were rejected during that period. I waited for the reply to my question. How could I table a notice for an adjournment motion unless I was provided with the reply to my question?

Mr. Speaker : What was the question about?

Sardar Mula Singh : The question was about the strike of Acehut students of Central Government Tanning Institute, Jullundur. It is question No. 5897.

Mr. Speaker : When was the action taken? I think it was on 3rd January, 1940.

Sardar Mula Singh : Yes, Sir. The reply to my question was given on the 30th January, 1940.

Mr. Speaker : The whole question is now an event of the past and therefore there is no question of urgency.

Sardar Sahib Sardar Santokh Singh : It is not a thing of the past. The students have not yet been admitted. The matter is therefore not of the past.

Mr. Speaker : The Government issued orders that the students who wished to come back may do so within a specified time. Now the vacancies caused by the students, who did not come back, have been filled up by other students, who are members of the scheduled castes.

Sardar Mula Singh : The notice was issued by the Government on the 3rd January, 1940, while I sent my short-notice question on the 21st November, 1939, which was changed into a long-notice question. Anyhow it was said by the Minister in charge that the vacancies were not filled up and other candidates would be taken.

Mr. Speaker : The information which the honourable member wanted to collect by means of his question, could have been collected otherwise as well.

Sardar Sahib Sardar Santokh Singh : But the honourable member tried several times to gather information through questions.

Mr. Speaker : Does the honourable member contend that the information intended to be gathered by putting the question could not have been gathered otherwise? Could not the honourable member have ascertained otherwise whether the Government had issued an order asking the strikers to rejoin the school by a certain date?

Lala Harnam Das : Sir, I want to submit that a short-notice question was sent to the Government.

Mr. Speaker : Please do not discuss that.

Lala Harnam Das : And the Government changed that question into a long notice question in order to create a new situation that might go to help them.

Mr. Speaker : The question of strike is a public affair. The order of Government asking the boys to return within a specified time is also a matter of common knowledge. In the face of these circumstances how can the honourable member say that the information could not become available earlier ?

Sardar Mula Singh (Urdu) : I received that letter on the 4th and tabled a notice for an adjournment motion on the 5th February, 1940.

Mr. Speaker : Have those vacancies been filled ?

Dr. Sir Gokul Chand Narang : The honourable member says 'no'.

Mr. Speaker : What is the Honourable Minister's information on this point ?

Minister of Development : The students went on strike on the 9th of November, 1939. After the 9th negotiations were carried on between the staff and the students. But the latter would not agree to any terms. So, on the 3rd January notices were served upon them requiring them to rejoin their classes within 48 hours on pain of expulsion from the institute. The students, however, did not turn up and are reported to have stated that they would not rejoin unless and until their leaders had, after discussing the matter threadbare with the Government in this House, advised them to do so.

Mr. Speaker : Their places are still vacant. Is it not so ?

Minister of Development : I am not in a position to say whether those places are still vacant. Most probably they are not, because definite instructions had been issued that the places should be filled up as soon as possible if the students refused to come back.

Sardar Sahib Sardar Santokh Singh : Are you in a position to say how many vacancies have been filled up ?

Mr. Speaker : No, he is not in a position to say that.

Dr. Sir Gokul Chand Narang : Here is an honourable member who is making a definite statement that the seats are empty.

Lala Harnam Das : May I know from the Honourable Minister whether the people did not inform him that as long as their accredited leaders did not bring this matter to the notice of the House, the students would not end the strike ?

Mr. Speaker : When was the Government notice issued ? Was it issued on the 3rd January ? The honourable member says that he received it on the 4th of this month. In what capacity did he receive it ?

Sardar Mula Singh : I received the notice on the 4th of February.

Mr. Speaker : Not only one or two days but about a month has passed.

Sardar Hari Singh : Mr. Speaker, it is Chamars' first adjournment motion.

Mr. Speaker : That consideration cannot weigh with me. I have to go by rules.

Dr. Sir Gokul Chand Narang : A serious matter should not be allowed to be disposed of in a light manner. The position is simply this. The boys, according to the honourable member's statement, are still out of the Institute. The Honourable Minister is not in a position to contradict him, so that, for the purposes of this motion it must be taken for granted that that undesirable situation still continues. With respect to the statement just made by the Honourable Minister that the boys said that they would not go back to the school unless their leaders in this House had had a talk with the Government and had their grievances redressed, this statement is questioned by one of the honourable members, that is Lala Harnam Das, but even if it were correct, it is not a sin for the poor depressed classes to say that they are not in a position to ventilate their grievances in a satisfactory and effective manner and they have to depend upon the support of their representatives in this House. That is not a fact and the mere fact — even if it be assumed to be a fact — that they did say so, should not deprive their representatives of their right to ventilate their grievances in this House.

Mr. Speaker : I entirely agree with all that the Honourable Doctor Sahib has said but I may point out what my difficulty is. I agree that, if possible, they should get an opportunity to discuss the matter on the floor of this House but the question is whether it should be discussed (i) by an adjournment motion, (ii) by an ordinary resolution; (iii) by a special motion under Rule 126; or (iv) in the course of the Budget discussion. So far as I am concerned at present, the only point for consideration is whether it should be discussed by an adjournment motion.

Dr. Sir Gokul Chand Narang : It has been brought up as an adjournment motion and unless it offends against any rule of this House that adjournment motion should be allowed because it is certainly an urgent matter.

Mr. Speaker : Will the honourable member please refer to the motion? The important matter, proposed to be discussed by it is, "the decision of the Punjab Government regarding the strikers of Government Tanning Institute". That decision was, I think, announced on the 3rd January. So, where is the urgency?

Dr. Sir Gokul Chand Narang : Then the House did not sit.

Mr. Speaker : Did the House sit immediately after or not? (*Inter-ruption.*) The decision of the Government was there and that was enough.

Dr. Sir Gokul Chand Narang : Supposing the Government issues this order to the students on the 3rd of January, does it mean that on the

4th of January this adjournment motion should have been brought? Does the Government communicate the orders that it issues in every case, to the honourable members of this House? The question is, he got information on the 4th of February, has he been remiss, has he delayed the matter very much? Certainly not. To-day is 8th and he might have sent the notice three days back. So, he lost no time. He got the information on the 4th and he, I am told, sent the notice on the 5th. He has not lost any time and, therefore, it cannot be said that even if it were an urgent matter, by his laches it has ceased to be urgent. The question is, is the situation one which warrants such a motion or not? I do not know how many boys are out (*Voices*: More than 25 per cent) but if a number of boys are out, their education is suffering.

Minister of Development: May I inform the House that the ten vacancies have already been filled up by admitting ten other depressed class students?

Mr. Speaker: That is what I wanted to know at an earlier stage.

Dr. Sir Gokul Chand Narang: How did he get this information now?

Sardar Sahib Sardar Santokh Singh: Has an S. O. S. come now?

Minister of Development: I enquired from the Director of Industries and have received this information.

Sardar Lal Singh: The letter in the possession of my friend is dated 3rd January. It must have taken a week to reach the parents. Within ten or twelve days ten vacancies have been filled up in great hurry. Do you not think that this is a very urgent matter which requires a discussion by this House?

Dr. Sir Gokul Chand Narang: It is in its own interest that the department should make its position clear and this motion should be allowed to be discussed; otherwise unnecessary mistrust would take place.

Mr. Speaker: With all these facts before the House, will any further discussion improve the situation in any way?

Dr. Sir Gokul Chand Narang: Up to this time we do not know why these boys went on strike and why they did not go back to the school.

Mr. Speaker: The motion does not propose to discuss that matter. Its object, in so many words, is to discuss the decision of the Government.

Dr. Sir Gokul Chand Narang: Decision must be justified on some ground. It may have a very good ground and I dare say that they have a good ground.

Mr. Speaker: Suppose, for the sake of argument, that the decision of the Government was perfectly unjustified and wrong. But what then? New students have been admitted. What can be done now?

Sardar Lal Singh : The letter addressed to the parents of those students says,

"The Government have since considered the grievances of the strikers and have come to the conclusion that there is no real substance in those complaints".

So, the Government has been in charge of this affair from the very beginning. I am just answering your question that the wording of the motion is to discuss the decision of the Government. This wording is based on this letter which says that the Government have considered the grievances of the strikers and have come to the conclusion that there is no real substance in those complaints. As I have said, without enlightening the public they have filled up those vacancies and that is the matter which we want to discuss.

Mr. Speaker : Suppose, the motion is allowed, moved, discussed, put to the vote of the House and carried, what shall be its effect?

Pandit Shri Ram Sharma : It may be possible in every case.

Dr. Sir Gokul Chand Narang : Very good result would follow. It would mean that the Government stands censured. (*Interruptions.*) In fact I am anxious that the position of the Government and the Director of Industries should be made clear. Suppose this motion is carried, then it means that the House disapproves of the action taken by the Government.

Mr. Speaker : Not necessarily.

Sardar Partap Singh : That will be a guide for the future.

Mr. Speaker : When was the question answered?

Sardar Mula Singh : On the 30th January.

Mr. Speaker : Why did not the honourable member give notice of his adjournment motion much earlier?

Sardar Mula Singh : I was collecting more material.

Mr. Speaker : The honourable member may collect more materials and give notice of his motion next year. I am convinced that this adjournment motion is too late. (*Hear, hear from the Treasury Benches.*)

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Premier : Sir, I present the report of the Select Committee on the Punjab Relief of Indebtedness (Amendment) Bill.

THAL (INCREASE IN VALUE) BILL.

Mr. Speaker : The House will now resume discussion on the motion for consideration of the Punjab Thal (Increase in Value) Bill.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Mr. Speaker, on the last occasion when the debate was adjourned I had just taken the floor in regard to the proposition before the House. I was saying at that

time that this is the most important measure, and therefore, requires careful consideration of the honourable members, and of my honourable friend, the Revenue Minister, in charge of this measure, so that this province should not be stampeded into a decision which may affect adversely both the revenues and the prosperity of this province. I submit, therefore, that it is necessary to examine a little carefully the proposition that is before us. The proposition before us goes back in history to a very long period originated, as official records show us, somewhere about 1860 when a project of this nature was propounded. From 1860 right up to the period when the Sind-Sagar Doab Colonization Bill was introduced, we have had series of attempts made in order to find out whether a project of this nature would or would not be a paying proposition, a feasible proposition and a practicable proposition, and this measure can only be judged from the point of view of its practicability, feasibility and its necessity as far as that area is concerned, and equally its effects upon the revenues and the prosperity of this province. The first thing that strikes any student of this problem is this, that there is a very grave doubt with regard to the land which has been handed back to the proprietors of this area. A tremendous area of land, which has already been handed back, belongs to them or belongs to the province. That is the first proposition which my honourable friend will have to consider. I say there is a grave doubt. Nobody to-day is in a position definitely to give information whether the passing of that repealing measure of 1928 affected a transfer of proprietary rights to those who were real proprietors of that land or whether that land still continues to be the property of the province? Originally this land was given over to the proprietors of that area for the purpose of grazing only. Nowhere is it to be found that those grazing rights were for any period of time converted into proprietary rights. My honourable friend will agree with me when I make that statement and if this is so and if this is true that all that the Government parted with, in the very early years, was grazing rights in this area, then it has become the proprietary ownership of those who claim it to be their own land. All that we have is the administrative action on the part of the previous Punjab Government. By means of that administrative or executive action, they decided that the province was not the owner of this land, but that those who had grazing rights were the owners of this land. Therefore, I submit again that it is a matter to be carefully considered whether even to-day we, as a province, are the owners of that property or those who claim proprietary rights in that area.

The second point to be considered is this that when we come to the period of time when attempts were made to get this area back from the owners of this area or the alleged owners of this area, then an agreement was entered into between those alleged owners and the Government. That again, I submit, must have been under a very serious misapprehension. But the agreement was to the effect that the entire area is ceded to the Government and the Government then cedes one-fourth of that area to the proprietors keeping with itself three-fourths of that area. That was the position which was affected in the year 1902 and it continued like that up to the period, when in 1929, this particular measure of 1901 was repealed by the Government. Why was it repealed? Why was that land taken by virtue of an agreement entered into voluntarily by the alleged proprietors of this land,

[Diwan Chaman Lall.]

an agreement entered into between them and the Government? Why was it done? It was done with the object of assuring that certain efforts would be made in finding methods of irrigation for this area, and since Government was going to build a canal, some portion of the benefits which this area is going to get would come back to the people of the province who would thereby not suffer either in finance or the future burden of debt as the result of the execution of this project. It was with this object, in order to relieve the people of this province of the burden that would necessarily fall upon their shoulders if a project of this nature were undertaken, that this arrangement was arrived at. Time and again we have efforts made by the Department with a view to effecting practical schemes for the purpose of giving water to this area but at no time did they actually succeed on practical basis until we come to the year 1928. Before 1928 the committee had reported, under the aegis apparently of the Government of India, that this scheme, which the Punjab Government had been pressing on the Government of India for a considerable number of years, should not be taken in hand at least for a period of 10 years. At that time the Punjab Government told the Government of India that if they further delayed this matter those people, who had yielded this land to the Government on the assurance that Government would bring forth a canal, would want this area handed back to them. In Volume 2, page 3 of the 'Thal Project' it is stated as follows:—

In submitting this project, the Punjab Government emphasized that "a further delay in the sanction of the project may lead to the proprietors and the local legislature pressing for repeal of the Sind Sagar Doab Colonization Act, in which case the advantage of having at its disposal nearly one million acres of commanded area under the Act will be lost to the Government."

I do submit that in this fight which went on between the Punjab Government and the Government of India there was this threat necessarily given by the Punjab Government, and since the Government of India was not brought to its heels, this threat was actually put into execution. It was not the proprietors of that area who pressed for it; it was the Government *suo motu* who had a complete majority in that Council all the time which moved it of its own accord for the purpose of giving back this area of land—one million acres—to the alleged proprietors. I have already stated that originally this land was not the property of those who alleged that it belonged to them—those to whom this million acres were handed back. On page 1 of Chapter 1 of the Volume you will find:—

It must be remembered that nearly two million acres of land were granted to the villagers, at the time of the first Regular Settlement of 1877-78, as grazing grounds, on the condition that a grazing revenue of Rs. 24,677 a year was paid. The people had no rights to cultivate this land, which in fact was given to them in trust until the area could be colonized like other Doabs.

So that we have it on the authority of the Government itself that this area which was given over for grazing purposes, did not belong and does not belong to the people who now claim that the area is their own under proprietary rights. If that is the position, I submit that it is necessary to proceed slowly and try to get at all the facts and try to find out whether that position exists to-day. What did Government say then? After that, this particular committee, which was appointed by the Government of India, reported that there was no possibility, in view apparently

of the Sukkur Barrage Scheme, for any more water being available for that project for another period of 10 years. Immediately a Bill was introduced in the local legislature for the purpose of repealing the 1902 legislation. I am informed that this particular measure was introduced at the instance of the big proprietors of land in this project, and this measure was carried through. I want to refer for a moment to what actually was said at the time when this measure was put through. What were the reasons given? The first reason given was that it was under an understanding that the proprietorship of this land was taken over by the Government that water would be made available or a canal would be put through this area. That condition not having been carried into effect and a canal not having been constructed for the benefit of this area, how are we now giving back that area to the alleged proprietors. The agreement arrived at was subject to this condition that if a canal was put through then this area would belong to the Government. I submit the position to-day is altered to a large extent and to a radical extent. When the land was given there was no possibility of a canal being built or put through. Now the Government is going to put a canal through that area. I submit it is for them to get that area back again from the alleged proprietors. The first scheme being that they entered once again into an agreement with them for the purpose of getting back that area. I understand that they are even now willing to hand back to the Punjab Government one-fifth of the area required to be irrigated — one-fifth of the area means 400,000 or nearly half a million acres. If they are willing to hand that area back, has my honourable friend considered that proposition? Has my honourable friend considered the possibility of that area belonging to the province and the value of that area to the province as the result of the arrangement arrived at? The second scheme is this, that since there is a very great doubt whether any portion of the area does belong to the proprietors, since originally it was given over on the condition that it would be utilized not for cultivation but for grazing purposes, has my honourable friend considered the proposition from the legal point of view, whether the Government should not assert its right of proprietorship of that area? I say all this for some reasons and very important reasons. If you look at the total area to be commanded you will find that the total area is somewhere about four million acres. Three-fourths of this area, 2,085,000 acres, were taken up by Government under proprietary rights. The Lesser Thal Project stipulates for a total area of 2,190,000 acres and the agreement area in the Lesser Thal Project is 1,356,000 acres while the area of agreement commanded is 928,000 acres. The proposition that we have to consider is this that in the agreement area which is commanded, if Government were to adopt the second scheme or to assert its right — assert its right legally and not by agreement — then three-fourths of this area taken up by Government would come to 696,000 acres, i.e., roughly 700,000 acres. What is the value of 700,000 acres? What is the value that he puts on this land? The value that he would put on this land even reckoned at the ordinary cost of Rs. 200 per acre — (*Interruption*). The agriculturists do not realize that Government is going to spend Rs. 100 per acre in irrigating this land. My honourable friend has not even studied the question to realise the possibility. My honourable friend is discussing the proposition from the point

[Diwan Chaman Lall.]

of view of the value of land to-day, but what I am saying is about the commanded area when the canal goes through, and if my honourable friend asserts his right to the area that naturally belongs to the province, the value of 700,000 acres of this area at my estimate of Rs. 200 per acre of canal irrigated land, or Rs. 500 a square, comes to 14 crores. That is not a small sum. Even if we were to look at it from the point of view of Government and not my point of view of the price that I am attaching to it, even looked at from the point of view of the value that Government itself attaches to this area when this area becomes commanded under this canal, the sale price of crown waste land is Rs. 150 per acre fixed by Government which my friend will find stated at page 1 of Volume I of Thal Project, 1936. Even *barami* land at that period Government was selling at Rs. 200 per acre. But let us take Rs. 150 per acre as the price, which means a reduction of 25 per cent. After a reduction of one-fourth the amount from 14 crores we come to a figure of roughly 11 crores. That is the amount of money which my honourable friend will be able to gather to the revenues of this province for the purposes of this project, not only for the purposes of this project which according to him is going to cost him 8 crores but he will have money enough and to spare without burdening any particular land-owner in that area, small or big, with the amount that he wishes to burden him with, namely Rs. 30 per acre. I can see my honourable friend, the Finance Minister, making a gesture which probably implies this: You are already taking away land from those to whom it belongs and you are already making—

The Honourable Mr. Manohar Lal: I was doing nothing more than just trying to understand the position. (*Laughter.*)

Diwan Chaman Lall: He is trying to understand the position which should have been perfectly apparent to him, since his own finances would have been in a much more wholesome position had he studied and agreed to this proposition, and I do hope that even now my honourable friend will impress upon his colleagues the necessity of an examination of this problem from the financial point of view, in view of the fact that the province is going to suffer most grievously as a result of this particular project being taken in hand. I say this advisedly. So far as I have been able with the assistance of my honourable friend here to gather statistics and facts in connection with this speech, so far as I have been able to gather, the proposition is this that in previous years productive irrigation projects have cost us roughly Rs. 80 per acre. This is to be reckoned on the basis of capital investment in the irrigation works. Rs. 33,58,75,452 is the total capital outlay on these irrigation works and we get therefore a figure of about Rs. 80 per acre as the capital cost of our irrigation works. I submit that this particular project is going to be the costliest step that this province has ever undertaken. It is going to cost somewhere about Rs. 100 per acre to put it through, and I submit that one must not deal therefore lightly with this question. One must study most carefully the statistics connected with it and the possibilities of raising alternative sources of revenue required for this project, and I submit that if my honourable friend were to go into these facts carefully he would be well advised not to push this measure through this House in such a hurry as to create an impression that

there are certain vested interests that are involved in regard to this measure which are wanting either a defeat of this measure on the floor of this House or a quick adoption of this measure. What we want is not to be stampeded into this measure by vested interests either one way or the other. We want a careful consideration of all the aspects connected with this measure in the interests of this province.

I might place on record the reasons given for the repeal of the Act. While introducing the Sind Sagar Doab Colonization Repealing Bill Chaudhri Zafrullah Khan said :

Government obtained certain rights under the Act.....from private proprietors in their proprietary lands on the understanding that an irrigation project would be introduced in those areas which would beneficially affect the proprietors of those areas.

That was the understanding between the owners and Government then, but now my honourable friend is going to put those beneficial prospects into the mud. Why should he not call the owners together once again and enter into similar agreements which were put an end to in 1929?

The Honourable Dr. Sir Sundar Singh Majithia : Will it be possible?

Diwan Chaman Lall : Everything is possible for my honourable friend if he was to introduce a measure on the floor of this House. If my honourable friend can bring forward a measure which according to his colleague is going to confiscate property worth 16 crores

The Honourable Dr. Sir Sundar Singh Majithia : Socialistic may be.

Diwan Chaman Lall : It is socialistic to have brought that measure in. We hear day and night here the Honourable Chaudhri Sir Chhotu Ram saying all the time that he has been responsible for the confiscation of 16 crores worth of property in the interests of the agriculturists. Here it is not a question of confiscation. Here it is a question of asserting your legal right, here it is a question of deciding whether your predecessors had the right to declare by executive action that this area which was commanded for grazing purposes was commanded for any proprietary right. It is for you to decide and if you come to the conclusion that you are the owners, then you can quite easily claim that area as your own. Even if you come to the conclusion that you cannot disturb that legal or illegal position as it may be, you can quite easily make the owners agree to this proposition on the understanding that if they do not agree to it you will not proceed with this measure, or else take legislative powers in your own hands and do the right thing for the province.

I have already stated that these owners were prepared in 1936 as they are prepared even now to hand over one-fifth of this land to Government in order to reduce the burden of taxation which would necessarily follow the fruition of this project.

The most important matter is the financial question said Mian Nurullah who spoke in support of this motion when it came up

[Diwan Chaman Lall.]

before the Punjab Legislative Council on the 27th February, 1936. He went on—

And I have documentary proof in my hand, and I can assert with authority that owners are willing either to part with one-fifth of their *shamilat* and *banjar* lands, which is only fair or to pay higher rates, whichever the Government would like.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : The zamindars never offered to surrender their lands.

Diwan Chaman Lall : My honourable friend is probably interested in this area.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Yes, because I represent that area.

Diwan Chaman Lall : I do not think it is proper for any honourable member who is personally interested in any personal proposition before this House to express an opinion either in support or in condemnation of that proposition. It is an ordinary matter and even in ordinary limited companies it is the rule that in any matter in which a director is interested he does not vote in respect to any measure in which he is interested, and it is also a well-known parliamentary practice that if any honourable member is interested in any particular financial legislation, he should not vote in regard to that particular proposition before the House, and I ask my honourable friends who are equally interested in such financial measures that having that interest they should not vote one way or the other and they should hold themselves in peace, and that those who are not interested should vote in the interest not of any particular individual but purely in the interest of the province.

A very curious proposition has arisen, that my honourable friend now states that this is absolutely wrong, that what Mian Nurullah stated here on the 27th February 1936 is absolutely wrong. He did not have the courage at that time, I think he was a member of that previous legislature. to get up and say to Mian Nurullah then on the floor of that House that Mian Nurullah was absolutely wrong in the assertion that he made.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I did voice the feelings of the people on that occasion.

Diwan Chaman Lall : I have heard his speech here on the floor of this House.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : As far as I can recollect my friend was not present when I spoke ; but I am referring to my speech in the last Council.

Diwan Chaman Lall : But I quote a later speech of my honourable friend. It has taken three years to be a little wiser and I hope three years have brought wisdom to my honourable friend in regard to this particular measure. But I notice I consider this in vain, this belief that three years have brought more wisdom to my honourable friend in regard to this particular measure. I find that my honourable friend, although he is a Private Parliamentary Secretary, gets up and actually belabours the Government in reference to this particular measure.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : My friend's remarks are based probably on hearsay. This shows he did not hear my speech. I moved my amendment not only with the consent of the Honourable Minister concerned but under his direction.

Mr. Speaker : I cannot allow that sort of commentary to go on.

Diwan Chaman Lall : My honourable friend says that he belaboured the Government under the direction of the Honourable Minister in charge.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I have not said so.

Mr. Speaker : I cannot allow the honourable member to go on interrupting as he has been doing.

Diwan Chaman Lall : He belaboured the Government actually, Mr. Speaker, under instructions, he says, from the Honourable Minister in charge.

Mr. Speaker : Please do not reply to personal remarks.

Diwan Chaman Lall : I would like to know exactly what the position of the Government is in regard to this particular measure. The Honourable Minister in charge moves a particular measure. An Assistant Parliamentary or Private Parliamentary Secretary — I do not know what the exact term is — but an Assistant or Private Parliamentary Secretary gets up and belabours the Government for having the audacity to bring in a measure of this nature. Where do we stand ?

Minister of Revenue : I am afraid you are misinformed. I said that the utmost that he got was my permission to move a motion for reference to select committee.

Diwan Chaman Lall : Perfectly true. Mr. Speaker, I am not misinformed about it. My honourable friend is quite right. My honourable friend has not understood my proposition. My honourable friend, the Assistant Private Parliamentary Secretary, raised this proposition no doubt with the permission of the Honourable Minister in charge, namely, reference of this measure to a select committee. True. But that is not what I am referring to. I am referring to my honourable friend's speech belabouring the Government for having the audacity to bring in a measure of this nature. That could not have been under the instructions of the Honourable Minister. That could not have been and I want to know now, Mr. Speaker, what is the position.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : On a point of order. The honourable member is misquoting my speech. He was not present in the House when I made that speech and I did not say that the Government should not have brought in this measure.

Mr. Speaker : If the honourable member wants to offer a personal explanation, he may do so after the honourable Diwan Sahib has concluded his speech.

Dr. Sir Gokul Chand Narang : What did the honourable member mean by the word 'belabour' ? With what did he belabour the Government ?

Diwan Chaman Lall : I am only a layman. I am not an irrigation expert, I am not a financial expert, I am not a revenue expert. I am only an ordinary humble layman.

Minister of Education : Jack of all trades.

Diwan Chaman Lall : Perhaps not like my honourable friend. But certainly I know a few trades, and I know them pretty well unlike my honourable friend who knows no trade and does not know anything. But as a very humble layman, a very humble jack of all trades, if my honourable friend wants me to be known by that name, I want to know as a jack of all trades—because on the floor of this House everybody's trade is our trade, we have to deal with all sorts of trades, we have got to deal with legal profession, we have got to deal with revenue profession, we have got to deal with land-owning profession, we have got to deal with the Director of Information's profession, we have got to deal with all sorts of professions and therefore we have got to be jacks of all trades—and as a jack of all trades I want my honourable friend to tell me exactly where does the Government stand in regard to this measure and is the Government's voice divided in regard to this measure? Does Government sit with two voices on the floor of this House in regard to this measure—the voice of those who want to bring in, under my honourable friend's authority, this measure and the voice of those who are personally interested in the soil, who may be adversely affected or beneficially affected as a result of this measure? Therefore it is right that we all, jacks of all trades on this side of the House, should know exactly what the trade of my honourable friends is in regard to this particular measure. Where do they stand? What is their proposition? Do they want this measure? Do they not want this measure? Do they want a select committee? Do they not want a select committee? Do they want it to be circulated for public opinion? Do they not want it to be circulated for public opinion? My honourable friend says that he gave his Assistant Parliamentary Secretary authority to move the motion for reference of this measure to a select committee. Is that motion accepted by the Government?

Minister of Revenue : I said that already in my speech.

Diwan Chaman Lall : Now I want to know, because I need not dilate upon this matter, I want to know the present position of the Government.

Minister of Revenue : The position is that I accept the select committee motion.

Diwan Chaman Lall : I see. Now if that proposition is accepted, may I take it that the criticism levelled by my honourable friend in regard to this measure has had its effect? Has the criticism levelled by my honourable friend, the Assistant Private Parliamentary Secretary, done it?

Minister of Revenue : Ask him. I made my speech and during that speech I said that I was prepared to accept a motion for reference to select committee or I would myself move such a motion. That speech was made before my honourable friend made his speech.

Diwan Chaman Lall : Perfectly true. What would be the attitude of my honourable friend after that speech has been made?

Mr. Speaker : I request the honourable member to speak to the motions now before the House. There are two motions. One is for circulation and the other is for consideration. There is also a third motion, viz., motion for reference to a select committee. But that motion I have not yet proposed from the chair. As to what the Government will do, that will depend on the vote of the House.

Diwan Chaman Lall : That is exactly what I want to know before I cast my vote in favour of or against the motion. I want to know what the position of the Government is. One member of the Government says one thing. Another member of the Government gets up and belabours the Government for what he said.

Mr. Speaker : The honourable member may proceed with his speech.

Diwan Chaman Lall : That is why I was drawing your attention and my honourable friend's attention to this difference between the various voices of the Government in regard to this measure. My honourable friends are perfectly aware that they are responsible for what they do. We have also a responsibility in this matter. As far as

2 p.m.

we are concerned, we would not like this measure to be pushed through either at the behest of those who are desirous of benefiting themselves as a result of this measure who may be members of this House or pushed through merely because Government may be stampeded into pushing through. What we are in favour of, Mr. Speaker, is this that my honourable friend should consider—he is very busy writing at the present moment, but I want him to listen to what I am saying in regard to this matter.

Mr. Speaker : He may be taking notes of the honourable member's speech.

Diwan Chaman Lall : I have not the slightest doubt that he will consider the various propositions that we are placing before him and I want him to consider these various propositions that we have placed before him; and

- (1) whether he takes it to a select committee or not,
- (2) whether he goes straight on with the measure or not,
- (3) whether he hands this measure over for circulation for the purpose of eliciting opinion thereon,

any one of these three measures he may adopt, he can give this House an assurance that in either case he will consider the alternative propositions placed before him from the point of view of the interests of the province and not in the interests of any particular individual. We are not concerned with individuals here on the floor of this House. All that we are concerned with is if the inhabitants of that area can be benefited by means of this project and this project can be a financial success, then ways and means must be found for making it a financial success and if they can find ways and means for the purpose of making it a financial success, they should adopt these means. I have suggested one very important method that my honourable friend might adopt and I remind him that that method, I have not the slightest doubt, would be acceptable to-day to many people living in that area. It can be done either by saying that we will not proceed

[Diwan Chaman Lall.]

with it unless you agree to that matter or it can be done by the goodwill of those who live in that area. I have not the slightest doubt that many people patriotic enough are living in that area who would be willing to come forward and help my honourable friend in adopting this second scheme that we have put before him that they would be willing to help him in coming to an agreement on the same basis or even on a better basis than that which was adopted on the previous occasion. As a matter of fact not only would all these people be prepared to make these sacrifices but I take it that my honourable friend sitting behind there, the Private Parliamentary Secretary himself would be willing to effect the necessary sacrifices. In fact he said,

I however wish to assure the Government that the proprietors of land in Sind Sagar Doab will whole-heartedly co-operate with the Government to make the scheme a sound financial proposition, even if they have to make some sacrifice.

If my honourable friend is willing to make the necessary sacrifice then he answers the question that was put to me by my honourable friend the Revenue Minister whether they will be willing. The answer is there. I understand my honourable friend over there is a very big owner in that area and he has categorically said that he and other owners there would be willing to indulge in sacrifices. When I quoted Mian Nurullah that these people would be willing to hand over one-fifth of the area, my honourable friend protested very loudly. Then what is the sacrifice? If the Government asks my honourable friend and his colleagues who are owners of that area to indulge in some sort of sacrifice which will be one-fifth of that area, my honourable friend would probably run away and he will say no. I take it that my honourable friend ought in the interests of the province to be the first to say, I am willing to hand over one-fifth of the area for the purpose of making the scheme a success. Now, may I just read a little further from my honourable friend's statement? He says—

I would suggest that this scheme should be expedited and the sanctions of the Government of India and the Secretary of State obtained in good time so as to start its construction as soon as the Haveli Project nears completion as it will be convenient and advantageous to transfer the staff and the machinery employed in the construction of Haveli Scheme on to this work. I would like to make one more suggestion for the consideration of the Government. The heads of the Haveli and the Lesser Thal Canals should be so designed as to provide facilities for producing hydro-electric power. The cheap electric energy so provided will not only give an additional income to the Government but will also prove of great advantage to the development of industries and agriculture in that part of the province. In conclusion I lend my whole-hearted support to the resolution under consideration.

Whose resolution was it? My honourable friend knows perfectly well that this resolution which was moved by Sardar Bishan Singh recommends to the Government—

to forthwith prepare the Sind Sagar Doab Irrigation Scheme, commonly known as the Lesser Thal Project, and submit the same to the Government of India and the Secretary of State in good time for sanction with a view to begin its construction along with the Haveli Project or as soon as the Haveli Project is well nigh completed.

My honourable friend gives his whole-hearted co-operation and support to that proposition and says he is quite willing to indulge in sacrifices. Why

should then my honourable friend object to these sacrifices when we mention them on the floor of the House? Does my honourable friend consider that he objects to Rs. 80 an acre being levied from the proprietors of the land who are going to be benefited? Then is he willing now to declare on the floor of the House?

Khan Bahadur Nawab Muzaffar Khan : Proprietors?

Diwan Chaman Lall : I have already stated and made it amply clear that if legal opinion were to be taken my honourable friend would find, I am quite convinced in my mind, that he as the head of this Government is the real owner of this land and not my honourable friend sitting over there.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : My honourable friend is absolutely wrong.

Diwan Chaman Lall : My honourable friend has every right to say that I am wrong. Certainly. But my honourable friend has no right to say after he has said that he will indulge in a sacrifice that he will back out of it. Suppose the Government were to decide that this land does belong to the Government, will my honourable friend be ready to indulge in that sacrifice and say all right take it for the benefit of the province? Take the second proposition. Suppose the Government were to decide that an agreement must be entered into either willingly, voluntarily or by force of legislation taking over that very area of land, seven hundred thousand acres of commanded area in this canal, valued at 14 crores, suppose that area were to be taken over by Government, would my honourable friend back out of the promise and say no I meant by sacrifice merely a verbal assurance that had no backing? Is that all that my honourable friend means? My honourable friend's proposition should be that in the interests of the province, I am prepared to suffer knowing full well that there is the legal proposition which is still to be explored whether he is or is not the proprietor of that land. As a matter of fact land given over for grazing purposes should not have been converted into proprietary land.

Khan Bahadur Nawab Muzaffar Khan : Are there any proprietary areas in Mianwali or not?

Diwan Chaman Lall : As far as my information goes, an area of nearly two million acres is Government land.

Khan Bahadur Nawab Muzaffar Khan : What about *shamilat* lands?

Diwan Chaman Lall : There may be small areas which do not belong to the Government but there is this particular area which was Government owned and which by means of purely executive action was handed over to so-called land proprietors.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : May I correct my honourable friend?

Dr. Sir Gokul Chand Narang : On a point of order. I think, Sir, this question of the investigation of the legal title is not for this House to decide. Whether the Government is the owner of any particular area

[Dr. Sir Gokul Chand Narang.]

or the people there are the owners is a question of law and cannot be so easily solved. Even the proper authorities will find it very difficult to adjudicate on this point.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : There is no legal controversy with regard to the title of this land.

Mr. Speaker : If the honourable member, Mian Mushtaq Ahmad Gurmani, feels so advised, he may correct the figures of Diwan Chaman Lall.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I may inform the honourable member that the area in question is proprietary area and that the Government took privately-owned lands and converted them into rakhs or grazing grounds. Therefore the proprietary area is quite different from the rakhs of the Government. My honourable friend has probably no information on the subject and he is labouring under a misapprehension.

Diwan Chaman Lall : All I want to say to my honourable friend is this. If he will read paragraph 2 of Chapter I of the Thal Project, Volume II, he will find —

It must be remembered that nearly two million acres of land were granted to the villagers, at the time of the first Regular Settlement of 1877-78, as grazing grounds—

there is no question of proprietary rights—

on the condition that a grazing revenue of Rs. 24,677 a year was paid. The people had no rights to cultivate this land, which in fact was given to them in trust until the area could be colonised like other Doabs.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : These Government rakhs are quite separate from proprietary area.

Diwan Chaman Lall : Who is the owner of this area now?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : The Government.

Diwan Chaman Lall : Who knows that in spite of this, by administrative action this land is given back to those people? It is only by virtue of that agreement that this land was taken back by the Government. Three-fourths of the entire area was taken back and the remaining one-fourth was left in the possession of the people.

Mr. Speaker : It does not appear to be desirable that the honourable member should discuss this aspect of the question. It is a legal point which cannot be decided by this House.

Diwan Chaman Lall : All that I propose to do is to make a suggestion to the Honourable Minister. Let him not forget that his predecessor took action whereby only one-fourths was left in the hands of the people and the remaining three-fourths were taken back by the Government. The Government was justified in doing so then. My honourable friend interrupted me and asked whether the people would agree to my suggestion. All that I am saying is, here is a suggestion; look into it and see if it is not more to the benefit of the people of this province than the proposition put before the House. If my suggestion is accepted this area of 700,000 acres which is commanded by this Project and whose value would be Rs. 200 an acre would fetch to the Government a revenue of 14

crores to be utilised again for the purpose of bettering this scheme. I consider that my suggestion is a much more desirable proposition than the one before the House now of charging these people Rs. 30 an acre, with the object of getting the necessary revenue for lining this canal. The total amount of expenditure on the scheme is going to be 5½ crores for the construction of the canal and Rs. 2½ crores for lining it, that is, a total of 8 crores. Now with these 8 crores a canal is going to be constructed with an irrigating capacity of 6,000 cusecs.

Mr. Speaker : Is that figure correct ?

Revenue Minister : It is 6,000 cusecs with the possibility of getting 2,000 more.

Diwan Chaman Lall : The original project was estimated to cost 9 crores and 28 lakhs, if I am not mistaken because I speak from memory, with an irrigating capacity of 14,000 cusecs. The present scheme put forward by Government of charging Rs. 30 an acre is going to bring in only just enough to meet the cost of lining the canal whereas the scheme propounded by me is much more desirable from the point of view of the finances of the province and from the point of view of the people of this province and particularly of the very people who are going to be mulcted to the extent of Rs. 30 an acre. I congratulate the Honourable Revenue Minister and the Premier for having thought of it. I remember that in 1937 on the floor of the House I made a suggestion to the Honourable Premier regarding taxation of land values. At that time he expressed his willing assent by the most familiar method that he adopts of shaking his head up and down. Naturally he does not want to interrupt me. But in the present case the other scheme I have put forward is both to the interest of the landowners of that area and the general taxpayer of this province. With these words I resume my seat without supporting any proposition because I am not in a position really to know what exactly is the proposition which the Government wish to place before the House.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (Urdu) : Sir, I had no mind to speak on this motion because the intentions of Government in regard to this irrigation project have been made abundantly clear in the Bill. But my honourable friend, Diwan Chaman Lall mentioned certain things which according to him, would be interesting and useful from the point of view of Government and also that of the province, and it is for this reason that I have been constrained to participate in the debate. Perhaps my honourable friend opposite will remember that in 1901, when a Bill regarding the Thal Project was introduced by Government, it was laid down that Government should acquire three-fourths of the *shamilat* land from people owning large tracts of waste lands who could not pay in cash. This Bill was passed and enforced. But later on, certain difficulties arose necessitating its repeal. Later, the Major Thal Project was taken in hand but it also failed and was, therefore, abandoned. Then the Lesser Thal Project was taken in hand. But even in this connection difficulties regarding the Indus water cropped up, and so a conference of the representatives of the Sind and Punjab Governments, and of the Durbars of Bikaner and Bahawalpur, met and after prolonged negotiations and deliberations they unanimously arrived at the conclusion that the Minor Thal Project

[Premier.]

was feasible and it might be undertaken. But my honourable friends have probably seen a report in this connection in the press. Some weeks ago the Sind Government made a representation to the Government of India praying for the appointment of a tribunal which should go into the matter and decide whether this project would in any way be detrimental to the interests of Sind or not. During the deliberations, which I have just mentioned, all the aspects of this question were thoroughly discussed and a unanimous decision with regard to the Minor or Lesser Thal Project was reached. The representatives of Sind had also approved it, but now it seems that they have changed their minds and have thought it necessary to ask for a tribunal.

As I have already stated, the Punjab Government had decided to undertake the Major Thal Project on the condition that the owners of land surrendered three-fourths of their lands to Government, but in 1928 the Unionist Party decided that it was iniquitous to acquire lands in this manner, and it would be meet and proper to give the land back to the owners. It was also decided that, if need be, a liability in a modified form may be imposed. The Act was accordingly repealed and the lands were returned to their owners.

Honourable members probably remember that this Government gave an assurance to the effect that, in view of the abject poverty and sad plight of the people, the Minor Thal Scheme would be given a practical shape. Now, when the time for putting it into practice arrived, Government were again confronted with the problem—What conditions should be imposed upon the people for undertaking this Project? Formerly, three-fourths of the land belonging to the people of that area had been taken over by Government, but as this method did not find favour with the present Government it was dropped. Anyhow Government had to get some contribution from the people inasmuch as, owing to the sandy nature of the soil in this area, it is imperative to take great precautions, e.g., lining the canals so as to prevent the lands from being waterlogged. Moreover, it was necessary to line the canals to increase the area commanded by this project and so make the undertaking a success. This would cost Government Rs. 2½ crores, which is admittedly a colossal sum. Government did at first think of sparing the people the necessity of sharing the cost of the project but the peculiar circumstances of the case forced our hands.

An honourable member from the opposite benches remarked that Government owned lands in that ilaqa, which they had given over to the people. I fear my honourable friend is labouring under a misapprehension. The land—some two million acres—which was given to the people of this ilaqa in 1877-78 was for grazing purposes only. Even now Government possess certain tracts of land in these three districts, but they will not suffice to defray the cost of this project.

I want to make it clear to the House that Government are showing no special favour to the people of the Thal area. Nothing is being done in their case which has not been done in the case of other areas where canals have been constructed. That we did not have recourse to taxation before

is due to the fact that the greater part of the area now served by other canals belonged to Government and proprietary rights of private persons affected only a comparatively small area. This enabled Government to realize a considerable sum of money by selling those lands. On the other hand, the area of land owned by Government in the Thal area is much smaller than the area owned by the people.

I would like to quote figures here in support of my contention. In the Lower Bari Doab area 1,243,000 acres were waste land and only 200,000 acres belonged to the local people. Thus, where more than 12 lakhs of acres were held by Government there was hardly any need for acquiring land or levying any tax. The sale-proceeds of about seven-eighths of the area belonging to Government were sufficient to meet the expenditure incurred. Again in the case of the Lower Chenab Canal—which is probably the biggest canal—the land owned by the people was only 450,000 acres whereas no less than 2,200,000 acres were crown property. Here too Government were able to cover expenditure by sales. Now, in the Thal area, only 380,000 acres belong to Government and 1,670,000 acres are held by the people.

Mr. Dev Raj Sethi : Will this land be commanded by the Thal Project ?

Premier : Yes. Well, Sir, I was submitting that the land in possession of the Government here is only 380,000 acres and the rest belongs to the people. It is, therefore, in no way improper or unjust on the part of the Government to levy a tax on the people who are going to benefit by this project and the maximum that is going to be charged is Rs. 80 per acre.

My honourable friend, Diwan Chaman Lall remarked that the people would be glad if one-fifth of their lands were taken over from them in lieu of this tax. Probably this is what he said.

Diwan Chaman Lall : What I said was that the old agreement should be renewed.

Premier : Yes. That is what he said. Well, Sir, we have to take the condition of the people into consideration before we give effect to the suggestions made by my honourable friend. I do not think they can afford to part with the major part of their holdings.

Rai Bahadur Mukand Lal Puri : Why not take one-half of it ?

Premier : Had it been my friend's land I would have gladly accepted his offer, but he seems to be playing the bountiful landlord at the expense of others. Government could do one of two things. Either they could renew the old Thal Act, or accept a smaller portion of the lands of the people. But as my honourable friend opposite has suggested that Government should take over one-fifth of their lands I shall have no objection if the people willingly come forward to offer their lands. In any case, it would be worth much more than Rs. 80 per acre which Government propose to obtain by levying a tax.

[Premier.]

Now I come to another issue, which has been raised by an honourable member, that the lands in the Thal area must have been Crown property at some time or other because such lands often belong to the State. This has found an echo in the speech of my honourable friend, Dr. Sir Gokul Chand Narang. I do not think I am competent to adjudicate upon this issue. Whether those lands belong to the State or to the people is a matter which can only be decided by the courts. We have all along held that these lands belong to the people and not to the State. So long as the reins of Government were in the hands of foreigners, they insisted on declaring that those lands were the property of the State and that the people held them as tenants and had no proprietary right over them. We, on the other hand, always averred that the lands belonged to us and that Government had no right to claim them as Crown lands. Our contention was that we admit that you are the masters here but that does not mean that you are legally or morally justified in laying claim to lands which rightfully belong to us and have always been held by our forefathers.

Thus, as I have already stated, the proprietary rights of the present landholders of that ilaqa were established in 1928 as a result of the constant endeavours and strenuous efforts of the Unionist party. And now we definitely hold that the Government are not entitled to appropriate those lands.

Now, Sir, my honourable friend opposite was pleased to refer to the right of private property under a socialist state. But let me tell him that he should thank God for not having placed him under a regime which can deprive the people of their right of holding private property in such a callous manner as the Russian Communists have done. Had India been occupied by the Russian Communists my honourable friend's plight would have been exceedingly miserable. The Russians would have vested all the landed property belonging to private individuals in the State and started a card system for the supply of rations. But my honourable friends may rest assured that such a type of socialism will never be able to find its way in the Punjab. I also believe in socialism, but not of the type with which the minds of my friends opposite are pre-occupied. I want to raise the standard of living of the poor and bring them up to the position and status enjoyed by the rich. But it is not my intention to pull down a rich person and place him on the same level with the poor and the destitute. We want a socialism under which we can devise means for raising the standard of living of the poor man but not at the expense of the rich. There is indeed a world of difference between the socialism of my honourable friend Diwan Chaman Lall and mine. The object of his socialism is to vest all landed property in the State and to reduce the people at large to a state of abject poverty.

Dr. Sir Gokul Chand Narang : Was it not socialism when you wrenched away landed property worth 16 crores of rupees from private individuals under the Restitution of Mortgaged Lands Act?

Premier : Certainly not. These lands were in fact restored to their real owners. Our contention is that if a mortgagee has derived benefit from the land held by him to the extent of four, five or twenty times the sum

originally advanced to the mortgagor, then it is not proper on his part to keep that land in his possession any longer.

Anyway, I was submitting that I am an advocate of the kind of socialism under which the *syce* of Dr. Narang may have all the amenities of life which are being enjoyed by his master, but I detest the type of socialism under which Dr. Narang is sure to be deprived of all his property and brought down to the level of his own *syce*. (*Laughter.*)

Lala Duni Chand : The Honourable Premier should go to Russia and preach the doctrine of socialism to Stalin. (*Laughter.*)

Premier : Perhaps my friend is not aware of the potentialities of Stalin — the present dictator of Soviet Russia. Had he come into contact with the latter he would have been put to hard labour in some dungeon or solitary cell by this time. (*An honourable member :* And what would have been your plight under him ?)

I would have been killed by this time, or else fighting in Finland against the Russians. (*Laughter.*) But let me assure my honourable friends opposite that as long as I am at the helm of affairs in this province socialism of the Russian type will never be allowed to take root in the province. By the grace of God I am a Muslim, and my socialism is not an outcome of modern materialism, but is more than 1,300 years old. (*Hear, hear.*)

Sir, I was submitting that Government are not entitled to take back those lands. Certain honourable members have suggested that we should acquire one-fifth of their lands instead of levying the proposed tax. In fact they made this un-called for suggestion like the unwise friends they are. A year ago when I had the opportunity of visiting the Muzaffargarh district I advised these landowners not to part with an inch of their lands because they would soon begin to yield gold.

Begum Rashida Latif Baji : And still you received from them large tracts of land in the name of the Unionist Party ?

Premier : When I was at Leiah people came to see me. In the course of the interviews they had with me they appreciated the splendid services rendered by the Unionist Party to the people at large and openly admitted that the achievements of the present Government were unsurpassed and unsurpassable. And it is a fact that what we have done for them has not been done, and cannot be done, by any other Government. They remarked that since they were penniless they could not offer me purses, but they decided to transfer a tract of land to the party as a mark of recognition of our humble services. (*An honourable member :* And so the poor people granted you jagirs.) If it was God's pleasure to favour us with such jagirs how could we refuse to accept them ? Since we are determined to serve the peasantry of the Punjab we are not ashamed of receiving such grants from that quarter as a token of appreciation of our services. They honoured the party with the grant of 200 squares of land. Now canals are going to be constructed in that *ilaqa*, and these lands, I am sure, will yield great wealth. If my honourable friends opposite join hands with me they would also be entitled to an equal share of that wealth. (*Laughter.*)

After taking every aspect of the problem into consideration we have arrived at this conclusion. I assure you that the strictest justice will be done

[Premier.]

in this matter. We are charging only Rs. 80 per acre to meet the huge expenditure involved in lining the canals. The Honourable Minister for Revenue will no doubt be able to throw more light on this subject. Anyhow I may repeat for the assurance of the House that the levy of Rs. 80 per acre is the upper limit. We shall devise a graded demand and, if possible, we will grant absolute exemption to the small landholders. The question of economic holdings of petty zamindars has also been very carefully considered. In this connection we have made a provision for zamindars who cannot sell their lands. Such zamindars will not be allowed to suffer. Of course the big landlords of the ilaqa will have to pay at a higher rate. Petty landowners must be given every possible concession, and if circumstances permit Government will grant them total exemption from the payment of all dues. (*Hear, hear.*)

My honourable friends sitting on the opposite benches perhaps find that some harsh measures might be adopted by Government to realise this tax. I should like to remove all such apprehensions by saying that the tax will not be realised at once. We have made the process very lenient and equitable. This tax will not be required to be paid in one instalment but will be extended over 10 or 15 years. One rupee per acre will be charged at the time of each harvest. My honourable friends perhaps do not know that the *Khush Haisiati* tax in this area is rupees two and annas four. There was another alternative before us, viz., to levy a *Khush Haisiati* tax which the people were quite willing to pay because they only want water for their lands. But we have avoided this *Khush Haisiati* tax which means a permanent burden on the poor zamindars. Instead of that a very light tax has been proposed which will not prove burdensome.

Dr. Sir Gokul Chand Narang : What about Bhakra Dam ?

Premier : He is at it again. Dr. Narang is again trying to make a fuss.

Dr. Sir Gokul Chand Narang : I know this reference pinches you.

Premier : My honourable friend should know that this reference does not pinch me at all. I must tell him that the people belonging to the Bhakra Dam area are as dear to me as those of Mianwali. (*Cheers.*) I am sorry to find that Dr. Narang and his friends sitting beside him go about in certain parts of the province and try to create disaffection by saying that Government had neglected them for the sake of the Hissar famine where Government had spent three crores of rupees. When Dr. Narang and his friends happen to visit Bhakra Dam areas they play a different game. Here they excite the people against the present Ministry on the pretext that while the Thal Project has been completed they have again been left in the lurch. I want to disillusion Dr. Narang and his associates; they cannot mislead all persons all the time. Every one has seen through this game. The people of the Punjab fully realise that Sikander and not Dr. Narang is their well-wisher. (*Hear, hear.*) If Dr. Narang were to put on a garment made of the Quran and I that of the Vedas even then I am sure, the poor zamindars of the Punjab will believe me and not Dr. Narang. (*Laughter.*) The poverty-stricken people of that area are, no doubt, in great distress. It will be a matter of extreme satisfaction to us

all if our humble efforts to ameliorate their condition are crowned with success. Some honourable members of the House said that some Unionists and capitalists had purchased land in the Thal ilaqa. It is within my knowledge that no member of the Unionist Party has acquired an inch of land there. I do not know whether any capitalist has done so. I deem it my duty to tell the House that I have all along been carrying on propaganda against the acquisition of land in that area by people belonging to other districts. I feel that I have thrown enough light on almost all the aspects of the problem under discussion and that I can confidently say that it is absolutely useless to refer this Bill to a select committee. If my honourable friends have a soft corner in their hearts for the distressed people of this area they should avoid unnecessary delay and pass the Bill immediately.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*) : Sir, I had no mind to speak on this Bill. But I think I should say a few words in reply to the speech made by the Honourable Premier. Before I proceed with my speech I should like to say that certain doubts have been removed by the speech of the Honourable Premier. (*Cheers from the Government benches.*) I remember in 1936 I supported the resolution moved by my honourable friend Sardar Bishan Singh with regard to Thal Project. But if my memory does not fail me, I am sure that my honourable friend Mian Mushtaq Ahmad Gurmani did not raise any objection at that time as my learned friend Diwan Chaman Lall has just pointed out. What I said at that time was this :—

Here the most important matter is the financial question and I have documentary proof in my hand and I can assert with authority that owners are willing either to part with one-fifth of their *shamilat* and *banjar* lands which is only fair or to pay higher rates which the Government would like.

I do not know why my honourable friend, Mian Mushtaq Ahmad Gurmani, did not raise objection at that time. He might be afraid of the fact that I could easily produce the documentary proof which I had in my pocket at that moment to break his arguments. But to-day as I am not in possession of that documentary proof he has stood up in his seat to raise an objection. I think the honourable lady member, Begum Shah Nawaz, is well aware of this fact and that she will enlighten the House as far as this matter is concerned. I have so often submitted to the Government to give due consideration to this new scheme. While discussing the budget I pressed on Government that new projects should be self-supporting and we in Lyallpur should not go on making the deficiency caused in Shahpur because Government would not run Shahpur Branch. We were also under the impression that the Government being afraid of Tiwanas of Shahpur district could not take any step in that ilaqa. But to-day I am pleased to see that something is being done in this respect. I must, however, submit that the method adopted by the Government in this respect is most defective and objectionable. My honourable friend, Captain Muzaffar Khan, who has always been making requests to the Government to pay careful attention to the bad conditions of the roads of the same district and other defects as well, was constrained to raise objections to the passage of this Bill. He has stated that the condition of Rs. 30 per acre is too hard. I am also of the opinion that the Government instead of levying a tax should have had land from the zamindars of that ilaqa. I am also fully aware

[Premier].

of the fact that a large number of zamindars are still prepared to part with their lands if the Government so desires. And it is obvious even from the speech of the Honourable Premier that the zamindars often requested him to provide them with water and they would offer their lives and lands in return. They are not in a position to give money. Under these conditions, I think, it would not be just or fair on the part of the Government to pass this Bill in such an unreasonable hurry. This Bill is not an ordinary Bill and therefore the Government should think twice before it is passed. As far as the quality of soil is concerned the prices of land vary. The land situated near a town is considered to be more precious and valuable than the land situated far away from a town. Consequently, their prices vary. In settlement, lands are assessed according to the classification and the revenue is charged on the class of the land namely first, second and third. It would have been better if the Government had charged a levy according to classification of land say 20 times the land revenue. As a matter of fact I know it on the basis of my personal experience that a certain square of agricultural land is worth Rs. 5,000. An equally good square near a town would be worth Rs. 20,000. Still further if the said land happens to be situated in the town proper even one acre will be worth Rs. 20,000 or more. Similarly, in view of the fact that Thal area would be receiving water for irrigation purposes, the prices of the agricultural land are bound to rise. But I think the Government cannot judge before hand as to what benefit will accrue to the zamindars. In the circumstances, I may submit that this Bill should not be pushed through this House so very hastily. It behoves my honourable friends on the opposite benches to consider this matter very carefully. In my opinion the best course would be to circulate this Bill for eliciting public opinion thereon. If that suggestion is adopted, the Government will be in a position to know the opinions of the zamindars of Thal area. It is just possible that they may agree to part with their lands or agree to pay the proposed tax. I may also point out for the information of the Government that if they stick to their demand of realizing Rs. 30 per acre from the zamindars that will force them to get loans from the sahu-kars in order to pay to the Government and thus indirectly the Government would be pushing them into the hands of those people from whose clutches they want to get out. It is therefore highly necessary that the Government should consider twice before arriving at any such decision. In this connection my suggestion is that for the purposes of levying this tax the Government should divide the people into three broad categories. In the first category those people should be included who have bought lands in Thal area after the resolution was passed in the Punjab Legislative Council, that is 1936. Such landholders should be taxed very heavily. I think they should be asked to part with one-fifth of their lands. Then come the zamindars who are the residents of that ilaqa. They should be placed in the second category and only one-tenth of their lands should be taken away from them. In the third category those zamindars should be included whose holdings do not exceed 25 acres of land and from such zamindars the Government should not charge any thing. The present Ministry claims to be a great well-wisher of the small landholders and now is the opportunity for them to help the poor small holders. In short, these are the matters which require elucidation and

thinking. So far there is no provision in the Bill now before the House which throws any light on these matters. The Honourable Premier has pointed out in the course of his speech that the Government is prepared to accept the suggestion that the zamindars should be given the choice of paying Rs. 30 per acre or parting away with one-fifth of their lands. But so far no such provision has been incorporated in the Bill. As a matter of fact a clumsy type of Bill has been introduced in this House which is good for nothing. I may submit that this matter should not be left on mere assurances. On the other hand, it requires serious consideration on the part of the Government. If they refer this Bill to a select committee, I would provide them with such facts which would startle my honourable friends on the opposite benches who simply deliver lengthy speeches but do not know as to what is the real state of affairs. With these words I request the Honourable Minister for Revenue to refer the Bill to a select committee.

Dr. Gopi Chand Bhargava (Lahore City, General, Urban) (*Urdu*): Sir, before I say something about the Bill now before the House, I wish to make it clear that I do not know much about the land revenue system in this province. And so far as this Bill is concerned, it is stated therein that as the prices of the lands of the zamindars would increase as a result of the water which they would receive for irrigation purposes, they should pay something to the Government by way of a tax. On principle I quite agree with the Government that whoever gets benefit should pay something to the Government by way of a tax so that it may be spent for the betterment of the poor people. For instance, this project will cost the Government something like 5 or 7 crores of rupees, and most of the benefit will accrue to the big landholders and it is but justifiable that they should pay a part of their profits to the Government treasury. As a matter of fact it is the duty of the Government to levy the maximum amount of tax upon them. If the Government levy a tax at a higher rate and spend it on the canal in order to exempt the poor petty landholders from the payment of this tax that would be but justified. It is one of the basic principles of taxation that only those people should be taxed who are in a position to pay it and not others.

Besides, it has been pointed out in the Bill that the "Government may by notification exempt any particular site or class of sites from the operation of this Act". In other words, this means that only those people would be exempted from the payment of this tax who in the opinion of the Deputy Commissioner would be unfit to pay it. In my opinion the exemption of anybody from the payment of this tax should not be left on the sweet will of the Deputy Commissioner. On the other hand, specific provisions should be incorporated in the Bill from which the poor people should know it categorically that they would be exempted from the payment of the proposed tax or that they would be taxed to the amount which they would be in a position to pay. So far no provision to this effect has been embodied in the Bill and only a verbal assurance has been given by the Honourable the Premier. But I may point out that promises are generally made but are never kept. So long as a specific provision to this effect is not made in the Bill, assurances mean nothing.

It has also been pointed out on the floor of the House that small landholders are pleased for the service that is being done to them and that the Ministers should be granted jagirs and squares of lands. But I know that

[Dr. Gopi Chand Bhargava].

in Tahsil Leiah there is an Anjuman of small landholders which has been formed by some public-spirited people to protest against the wholesale buying of land in that ilaqa by big landholders. The Secretary of the said Anjuman was prosecuted under section 420 for starting a bogus Anjuman in that district. Fearing that he would not be able to get justice from the courts of that district he filed a transfer application and that came up before the High Court for decision. In the High Court the defence counsel pointed out that the Deputy Commissioner was also helping the big landholders in buying lands from the small landholders. (*Minister for Development*: Deputy Commissioner of which district?). The Deputy Commissioner of Muzaffargarh. Well, the honourable judge who heard the application remarked as to how it was possible that a Deputy Commissioner should go out of his way and help the big landholders. On this the defence counsel produced a letter and after reading it, the Honourable Court agreed to transfer his case to another district and permitted the accused to select any other district which he preferred. The accused selected Multan district and later on, he was acquitted by the courts there. His offence was simply this that he had started an unpalatable association. In my opinion, that was an excuse to suppress the voice of the small landholders. I ask what pleasure can those people have when they are not even allowed to protest against their land being bought by the bigger fry. Not to speak of allowing them to protest, even proceedings are instituted against those people who make a stand for the cause of the small landholders.

Then again the Honourable Premier stated on the floor of the House that a person who is not a statutory agriculturist in Muzaffargarh district already will not be declared as such so that he may not buy lands in the Thal area. But I may submit that we have received definite information that a certain person who was not a statutory agriculturist was declared as such and he has bought 200 or 300 squares of land in the Leiah Tahsil. Similarly, since the time that it has come to the knowledge of the public that Thal Project would be taken in hand other local big landholders have been buying the lands of the poor small landholders. Therefore my submission is that all those people who have been buying these lands in order to get rich quickly should be taxed very heavily or they should be asked to part with a large part of their lands. Moreover, the small landholders who have not even sufficient land for their own purposes should be exempted from the payment of this tax. Ability to pay being one of the fundamental canons of taxation as laid down by Adam Smith, I feel on quite certain grounds in seeking exemption for this class of petty holders — the class which cannot make their two square meals a day and the members of which invariably sleep two to three in a bed because of the dire poverty that prevails in their quarters.

Then it has been argued that the proposed measure has been brought forward with a view to bring about the economic betterment of the small holders and to raise them to the level of big zamindars.

3 p. m. Let us, for the sake of argument, accept this statement of the Government as correct; still the fact remains that by levying a tax on these zamindars Government would be making it necessary for them to sell their lands in order to pay off their dues. But the result would be that

the big zamindars who are no less rapacious capitalists than the money-lenders, would purchase those lands and the position of the small holders would become still worse. It will be a case of falling from the frying pan into the fire. As a matter of fact the big fish would swallow the smaller ones. May I know if this is how they want to raise the small holders from a low level to a higher one? I cannot help saying that whatever Government do, they do so with a view to benefit the big zamindars and not the others. I may also point out that there are about 40 per cent landless zamindars in the Punjab and their number is bound to go up to 50 or 60 per cent, especially when these poverty-stricken petty proprietors would not be able to borrow money from the money-lenders on account of the enactment of the recent Land Alienation (Amendment) Act. Consequently they would be reduced from the position of land owners to that of tenants. (*An honourable member*: Where did you get those figures from?) From the report of the Board of Economic Enquiry. I may repeat that it is stated therein that those small holders who have sold up their lands number about 40 per cent in the Punjab. The honourable members are aware that the price of land in irrigated areas is comparatively high. And when extra tax is imposed by Government the small holders finding it hard to meet these demands, resort to selling of their lands. They prefer to sell their lands instead of being burdened with taxes which they are not in a position to pay. Consequently all the efforts of Government to ameliorate the condition of the petty zamindars are frustrated, because the people to whom they want to provide the irrigation facilities lose even their lands. I am of the opinion that a reasonable tax should be levied on the petty proprietors so that they may not be compelled to sell their lands. I would rather suggest that Government should make such provisions in the Bill as may be comprehensive and at the same time may entail no hardship to small zamindars so that they may be able to pay the tax according to their individual capacity. I would, therefore, request the Government to circulate the Bill and if they feel averse to this proposal, they should at least refer it to a select committee. With these words I close my remarks.

Sayed Mohy-ud-Din Lal Badshah (Attock South, Muhammadan, Rural) (*Urdu*): Sir, to-day various proposals have been put forward in the House regarding the Punjab Thal (Increase in Value) Bill. But I may point out that the observations made by the Honourable Premier do not conform to the provisions of the Bill. He has endeavoured to make this fact clear that the amount of proposed tax, that is, Rs. 30 per acre, is capable of being realised in instalments. But there is nothing in the Bill to indicate the manner in which these instalments would be realised. Besides, he stated many other things of which no mention has been made in the Bill. For instance, he remarked that the impecunious zamindars would be exempted from payment of this tax and that the big zamindars would be required to shoulder the greater part of the burden, etc. I am of the opinion that the Bill as it has been presented to the House, is quite incomplete. I would not be exaggerating facts if I say that it is a mere eyewash for the zamindars. I would, therefore, submit that unless it is amended properly after due deliberation, it should not be introduced in this august House. As a matter of fact I am on principle opposed to any

[Syed Moyh-ud-Din Lal Badshah.]

tax in this connection being levied on the poor zamindars. But after exchange of views with my friends I have been able to reconcile myself to this extent that in future the projects to be undertaken by Government should be self-supporting, so that they may not be a burden on the exchequer and that the province as a whole should not be made to suffer for the sake of benefiting a section of the people. However, I would submit that the amount of the proposed tax should be such as the zamindars may conveniently be able to pay. Again, it has been suggested by some of my honourable friends that Government should acquire one-fifth of the lands of the zamindars in lieu of the payment of the proposed tax. I do not agree with this proposal. I am rather of the opinion that it is nothing short of tyranny or an inequitable wrong to take away even an inch of land from the zamindars. Besides, the Honourable Premier was pleased to state that Government owned only four lakhs of acres of land in the Thal area. May I know from where did the Government come to possess this land? Did it fall from Heavens or did the English bring it from England? This land previously belonged to the zamindars and to none else. Government acquired it from them. Now the Government can make money out of this land to the tune of crores of rupees. I, therefore, maintain that it is an absurdity on the part of Government to impose as much tax on the poor zamindars as may be equal to the price of their land. Besides, the honourable members must be aware of the fact that thousands of acres of land have been already sold to the capitalist zamindars. If this additional portion, i. e., one-fifth of the land of the poor zamindars, is taken over by the Government, it is sure to go into the hands of these capitalist zamindars through auction.

Apart from this, there are certain defects in the Bill which require to be remedied. For instance, it is laid down in the Bill that 'when the land is mortgaged the tax shall be paid by the mortgagee', but it is nowhere provided in the Bill as to how at the time of restitution of this land, the proposed tax would be realised from the mortgagor; especially when in certain circumstances the amount of the tax would exceed the amount in consideration of which the land had been mortgaged. There is another defective provision in the Bill. It is to the effect that the tax would be imposed on the occupancy tenants as well. I consider this most undesirable. If, for instance, an occupancy tenant is ejected by some means, may I know what will be his position and how the amount of the tax already paid by him would be refunded to him? I am of the opinion that if it is intended to levy a tax on the occupancy tenants, a law should be framed to the effect that their ejection would not be brought about under any circumstances. So long as this is not done, I am afraid, I will have to oppose this Bill. I would, therefore, submit that Government would be well advised to thoroughly reconsider the Bill and then present it to the House.

Minister for Revenue (The Honourable Dr. Sir Sunder Singh Majithia): The discussion that I have heard to-day and day before yesterday, when the motion was being discussed, has been very interesting and instructive to me. One motion is for the circulation of the Bill to elicit opinion thereon and the second motion is to refer the Bill to a select committee. At first my idea was that the Bill be taken into consideration

immediately. My reasons for that were, that Government has to formulate its plans for the financing of the Thal Project. We have to raise a loan for the carrying out of this project. My honourable friend the Finance Minister is anxious that he should know the position clearly whether the Bill which provides for the levy of Rs. 80 per acre is acceptable to this House and would be passed. If it is passed he would be in a position to know what amount would be available to him by this measure so that he may make his estimates as to what amount eventually he will require to raise for this purpose by way of a loan to carry out this project. This is the point that I wanted to make clear first. Now, however, some people are for proceeding with the circulation motion so as to elicit public opinion. This project has been before the public and the Government, as my honourable friend Diwan Chaman Lal said, since 1860 and we are asked to circulate the Bill. We have started work on the building of the project though the work has had to be slowed down a little on account of the war which may eventually mean heavier charges for materials that we may have to use and it may mean more than what we actually estimated for the carrying out of this project. Now, any further delay that may be occasioned in this matter, I beg to submit, would simply push backward the construction of the project which everybody is desirous to expedite. The second point which was raised in this House was as regards the select committee motion. In my opening speech I said that I would be willing to consider it and if necessary to propose the motion that this Bill be referred to a select committee. It is possible that in this committee any defect that may be found in the Bill will be rectified and everybody will have the opportunity of improving upon the Bill so that it may be made perfect. Certain of my friends have raised the objection that the building of this canal would start waterlogging and that the quantity of water in the Indus would not be sufficient to irrigate the area. My honourable friends know that waterlogging could be done away with by means of lining the canal and Mr. Dev Raj Sethi said there are other methods for carrying out the same purpose of safeguarding the lands from being waterlogged. I think he referred to the question of making drains. If I may inform my honourable friend, the making of the drains in the Punjab has been before the Punjab Government for a very long time and the Government has spent something like two crores in the construction of drain. But after all, this is a temporary measure, because unless these drains are kept in proper working order, they are not able to serve the purpose which they are intended to serve. On the other hand, the lining of the canals would be a sort of a permanent measure and this method has been tried, as I said before, in the Haveli Project and has been found successful and we might also be able to save water which otherwise would be absorbed by the soil and would add to the evil of waterlogging as has been done in other canals and canal areas. The extra water thus saved would make up, to some extent at least, the deficiency of water-supply that has been referred to by Mr. Dev Raj Sethi. I may tell my honourable friends that if this proposal is delayed for a very long time—has already been delayed long enough—further complications may arise of which mention has been made by the Honourable Premier to-day in his speech. Certainly this House would not like that a project which is in the interests of the province as a whole and which is to irrigate an area which is arid, as its very name Thal shows and,

Minister for Revenue.]

whose sands can be removed by water-supply, should be delayed any further. This delay, I beg to submit, is not in the interests of the province as a whole or in the interests of the people of this part of the province. Another proposal has been put forward by my learned friend who wanted to give me a lesson, being an old teacher. He thought I was still a student and I could still learn sitting at his feet. I am always ready to learn at the feet of anybody who can give me useful instructions, but he was not even born when I was a student (*hear, hear*) and he would not like me, an old man now to sit at his feet and learn from him. He can teach but can never usefully give me instruction.

Diwan Chaman Lal : Quite willing to learn.

Minister : That was only by the way, for my honourable friend is not here to retort, as I expected he would.

Another criticism that has been made of the measure is that this is a sort of bomb-shell which the Government has thrown on the floor of the House which would affect many people of those parts of the country and that it would be a very heavy burden on them. My friend Mr. Gurmani and perhaps my honourable friend Captain Malik Muzaffar Khan said that this was a very heavy burden which would be quite unbearable. Let me remind them that my honourable friend Mr. Nurullah said that he had got documentary proofs which were never made available to Government to be taken advantage of, that the people were willing to part one-fifth of the area to Government. It will be observed that my estimate also comes to the same thing, that is, the estimated value of the land is Rs. 150 an acre and I propose to take Rs. 30 out of it. What I claim is, therefore, exactly one-fifth which the people are prepared to give to the Government according to the statement of Mr. Nurullah. Whether this one-fifth is to be claimed in the form of cash or of land is a question which requires consideration. Possibly the Government will be quite happy to get land, because they may be able to get better value than they would get otherwise. But the effect will be that we shall be depriving the people of the benefit which we wish to give them by leaving land with them. May I also remind the House that by that Act which has since been repealed Government had provided that three-fourths of the area would be taken up by Government and after the canal had been constructed only one-fourth of the area would be returned to those people? Now what I am doing is practically to reverse the order. Instead of taking three-fourths of the land I am proposing a tax of Rs. 30 an acre which is insignificant as compared with the price of the land that the Government would have got if they had sold three-fourths of the area then. Surely this is a concession which should be appreciated by those who are going to benefit therefrom.

Some of my friends have suggested that the tax should be on the sales and not on the value of the land. I think my friend Lala Duni Chand gave a very good reply, namely, that the value of land may deteriorate. Are the Government going to run the risk of taking the values as has been proposed by certain of my friends from the Opposition Benches? Certainly not. Government want to assure themselves as to the money that they expect from this Bill. At the same time to solve the difficulty of the poor people of that part of the country Government are prepared to take these

Rs. 80 an acre not in a lump sum immediately on the introduction of irrigation, but by instalments which may be spread over 10 to 15 years. I may also inform the House that in the first two years of colonisation nothing will be collected. If these two years are added, the total period over which these Rs. 80 will be collected will be spread over 17 years. Surely this House will agree that a sum of Rs. 80 spread over 17 years is not a big amount to pay especially when the people are going to get the benefit of irrigation in the arid land of Thal.

Another criticism that was made was that the collector was the 'sole God'—to use the expression of Sardar Hari Singh—to assess this. Another honourable member complained that no provision had been made for appeals against the order of the collector. May I remind them that when settlement operations start in a district and assessing of land revenue in that district is under consideration, it is not the collector but the settlement officer who does the whole work? Is the assessing of this Rs. 80 such a stupendous work that it cannot be left to the collector to assess properly? Surely the collector is not such a man as would make mistakes. (*An honourable member*: It is not merely Rs. 80. It is a question of lakhs.) I am afraid I do not give way to my honourable friend to interrupt. Further, as suggested by Malik Barkat Ali, when the select committee stage is reached the question can be considered whether it is possible to provide for appeals against the order of the collector. Anyhow, the proposition that I have put forward is more equitable and more just to the people of the area in Muzaffargarh, Shahpur and Mianwali, that is, to pay a small tax than the suggestion made by Sardar Hari Singh of a tax of Re. 1 per acre every year as a permanent imposition. Now, the question before the House is whether the honourable members would like to burden the people of those parts with a tax which would be equitable as suggested by me or whether they would like to burden the people with a tax of one rupee an acre per year for ever. Any man with some sense would prefer to pay in one lump sum and be done with it rather than to pay a tax of Re. 1 per annum which would be a sort of a permanent tax and which would be irksome in the long run. Moreover, when you consider that this Rs. 80 is spread over a period of 17 years it comes more or less to one rupee per harvest.

Another point raised in the course of the discussion was that there would not be sufficient water available. Let me assure my honourable friends, and it is made clear in the project, that the water for the lesser project as it is intended to carry through is more than sufficient. If we do not delay the scheme, if we do not submit to the dilatory methods which are suggested by the Opposition, I think we would be successful and that the Government of India and the Sind Government could not question the right of the Punjab to the water of the river Indus. We strongly repudiate any claims of anybody else to deprive us of our rights in the Indus. We do not want to take a drop of water from other people and we do not want to give up a single drop of water which is ours. (*Hear, hear*).

As long as the present Government is in power, it will try to insist that the Government of India should not come in and should not be influenced by the Government of Sind because this question has been fully dealt with previously and it was conceded that the Punjab has a right to the water of the Indus.

[Minister for Revenue.]

I think the Honourable Premier has clearly stated in his speech why this method was not adopted in the case of other colonies, but I need not dilate upon that subject and I will mention by the way that in Thal the position is that a large area belongs to the proprietors while a small area belongs to the Government. In other colonies practically 90 per cent of the area belonged to the Government and the rest to the people who derive benefit from the canal system in their colonies. My honourable friend, Diwan Chaman Lall, who has just gone out of the Chamber, put certain questions to me and asked whether the land belongs to the Government or not. I have not been able to find exactly what the position is but perhaps my honourable friend would be content if I were to read to him the settlement report. It appears that in the year 1877-78 this land was entered in the revenue records as belonging to the proprietors or to the people of that part of the province. I may be permitted to read the final report of the revised settlement of Dera Ismail Khan. It says:—

“Up to the present settlement, the waste in these pastoral villages has been looked at as the property of Government, subject to the right of the zemindars to graze their cattle in it; this right has been shared by the Pawindahs and others. Government has now separated off a portion of the Thal as Rakh, and given over the remainder in proprietorship to the village communities. The rights of the members of these communities, as between themselves, are at present in a vague state, and I have thought it better to leave them so, rather than invent for them, which perhaps might not eventually be found to answer.”

I do not know what the real position was in the beginning but will it do any good at the present juncture, after the passing of the Sind Sagar Colonization Act which has conceded these rights and which asks those people to give up three-fourths of the area to enter into a long legal process? I am not a lawyer — my honourable friend has got the advantage over me in that respect — I am only a layman, but I ask, will it be to the advantage of the province as a whole to go into that big question and have it decided first of all by an ordinary civil court, then perhaps by the High Court and later on perhaps by the Privy Council or the Federal Court? Does my honourable friend now wish that till the final settlement of this question of proprietorship of the land, Government should sit tight and allow Sind to take away all the water from the Indus and not leave a drop of water for the use of the Punjab? I am sure my honourable friend does not suggest that and he would not suggest that we should lose our correct share in the water of the Indus simply in the hope of our finally winning that case which it might not be easy to win — which may be a difficult one to win — instead of our taking advantage by tackling these people. This is the position which my honourable friend has tried to ask me to explain. It would be to the advantage of the province as a whole if we do not go into the question of the big area which was practically ceded by the Government to those people. I may, by the way, mention that when a government takes charge from another government, they step into their shoes and they acquire all the rights that the previous government enjoyed. Possibly the Moghuls gave charge to the Sikhs and the Sikhs gave charge to this Government and now this Government has seen fit not to disturb the situation which was there for such a long time. If a man remains in possession of land for sixty years, he becomes its owner. The question here is that when a man has

been in possession for over sixty years, how can you possibly disturb his rights which he has acquired in this land?

It has been suggested that loans should be raised to build this project. We are trying to save as much as we can. A tax of rupees thirty per acre is to be levied. Let me tell my friends that this position, which I have taken up, is a sound one and it is in the interests of the province as a whole to go on with the proposals embodied in this Bill and raise what we can and to provide the balance by raising a loan. There were several questions which were put and there may be one or two other suggestions which might be considered when we refer the Bill to the select committee. It was asked whether it cannot be possible that instead of taking cash, land should be taken for some time and benefit derived out of it and then the same returned to the people from whom it was taken, but that is a question about which I am not saying anything at the present moment as a responsible Government member. I am simply saying that perhaps it might be possible to consider it. It is not certain that the Government will agree to it, but the possibility is that there may be methods which could be discussed and finally decided when we consider the matter in the select committee. My honourable friend Diwan Chaman Lall said that we were likely to spend about a hundred rupees per acre on the building of this project. I have consulted the Irrigation Branch and I am told that the utmost that we may have to spend would be about rupees fifty per acre.

Diwan Chaman Lall : Does my honourable friend admit that if the expenditure is going to be eight crores and about eight hundred thousand acres are to be irrigated, then it comes to rupees one hundred and not rupees fifty?

Minister of Revenue : You have to take the whole area into account which is about two million acres. But it is a question which need not be considered very seriously. Anyhow, my honourable friends have said also that the project will not pay. Certainly, I do not claim that the project was originally productive but all the same the calculations that have been made by the Department give us some indication as to what we shall get from this project. The total capital cost, as it has been put forward, is Rs. 7,48,81,000. If we build this project without *nazrana* and raise a loan — possibly my honourable friend may be able to get at cheap rates as in the previous loan and I hope he will get it cheaper — but if, God forbid, on account of war we raise a loan at a higher rate than what we paid before, then the project without this *nazrana* would give us a return of 2.91 per cent and at 4 per cent interest the return would be 3.38 per cent. But if this *nazrana* is taken at Rs. 80 per acre, then we would get a return of 6.1 per cent. If no *nazrana* is taken the return would not be more than 3.4 per cent and the project would be unproductive. Unless the canal was productive we would not have undertaken it. My idea is that the canal should be made productive by this small levy of Rs. 80 per acre and I think it is not much of a sacrifice that we expect from our friends who belong to that part of the district in which the canal irrigation is to be given and that they would come forward to give us this amount to get the immense benefit of canal irrigation.

[Minister for Revenue.]

I do not think I need detain the House very long. (*An honourable member: Please speak a little louder.*) Perhaps, my honourable friend Sardar Sohan Singh Josh is saying, 'speak a little louder.' (*Voices: He was somebody else.*) I would advise my friend whoever he may be to go to a doctor. (*Laughter.*)

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

I would not detain the House any longer by making any further remarks on the subject. There is a possibility of the original cost of Rs. 7,48,18,000 going up somewhat on account of war. The prices of certain things, such as, cement, steel, etc., to be used in building this headwork may rise, then we will have to pay a little more but with the contracts made we may be able to build it practically at the same rate at which we built the Haveli Project. I think, I am correct in saying that if anything untoward had not happened and the prices had not gone beyond the ordinary course and if this war had not come, we would have been able to save Rs. 1,80,00,000 by building this project earlier. With these remarks I have to propose that the Bill may be taken into consideration. As I have said before I see no objection to its reference to a select committee, but I certainly stand against any further extension of time by the circulation of the Bill for the purpose of eliciting public opinion. I think up to this time a good deal of water has passed under the bridge and we do not want to waste any more time.

Mr. Deputy Speaker: The question is—

That the Punjab Thal (Increase in Value) Bill be circulated for the purpose of eliciting public opinion thereon by the 1st May, 1940.

The Assembly divided: Ayes 85, Noes. 82.

AYES

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Duni Chand, Mrs.
Faqir Chand, Chaudhri.
Gokul Chand Narang, Dr. Sir.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Jugal Kishore, Chaudhri.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.

Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.
Muhammad Hussain, Sardar.
Muhammad Iftikhar-ud-Din, Mian.
Muhammad Nurullah, Mian.
Mukand Lal Puri, Rai Bahadur Mr.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sampuran Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
 Abdul Hays, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gurdaspur).
 Abdul Rahim, Chaudhri (Gurgaon).
 Afzal Hussain, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Akbar Ali, Pir.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Anant Ram, Chaudhri.
 Ashiq Hussain, Captain.
 Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Faiz Muhammad Khan, Rai.
 Faiz Muhammad, Shaikh.
 Faqir Hussain Khan, Chaudhri.
 Farman Ali Khan, Subedar-Major Raja.
 Fateh Khan, Khan Sahib Raja.
 Fateh Muhammad, Mian.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Fazal Din, Khan Sahib Chaudhri.
 Fazal Karim Bakhshi, 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.
 Habib Ullah Khan, Malik.
 Hans Baj, Bhagat.
 Hari Chand, Rai Sahib Rai.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Man, Sardar.
 Jogindar Singh Mann, Sardar.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Muhammad Akram Khan, Khan Bahadur Raja.

Muhammad Ashraf, Chaudhri.
 Muhammad Fayyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurehani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Jamal Khan Leghari, Nawab Sir.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Qasim, Chaudhri.
 Muhammad Saadat Ali Khan, Khan Bahadur Khan.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasir-ud-Din Shah, Pir.
 Nasrullah Khan, Rana.
 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.
 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.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.

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.
Wali Muhammad Sayyal Hiraj, Sar-
dar.

Syed Afzaalali Hasnie : Sir, I beg to move—

That the Punjab Thal (Increase in Value) Bill be referred to a select committee con-
sisting of—

The Honourable the Premier.
The Honourable Minister for Revenue.
Khan Bahadur Mian Mushtaq Ahmed Gurmani.
Khan Bahadur Captain Malik Musaffar Khan.
Chaudhri Suraj Mal.
Lieutenant Bhai Fateh Jang Singh.
Raja Muhammad Sarfraz Khan.
Mian Muhammad Nurullah.
Sardar Sahib Sardar Santokh Singh.
Mian Iftikhar-ud-Din.
Syed Willayat Hussain Shah.
Raja Ghazanfar Ali Khan.
Khan Sahib Syed Badr Mohy-ud-Din Qadri.
Sardar Dasaundha Singh (Nominee of the Honourable the Speaker), and
The Advocate-General.

with instructions to report on it by the 20th February, 1940; the quorum of
the committee shall be five.

The motion was carried.

REPORT OF THE PUNJAB UNEMPLOYMENT COMMITTEE.

The Honourable Chaudhri Sir Chhotu Ram (Minister for Develop-
ment : I beg to move—

That the report of the Punjab Unemployment Committee be discussed.

In making this motion I shall desist from making any long speech because

4 p.m. I am here to know the views of the House and not to
inflict any views of mine, at least, not for the present.

However I may be allowed to say a few words by way of explaining the exact
position where we stand. The report was made available to the Hon-
ourable members of this House some time ago. It was also made available
to the press and to leading members of the public. It is regrettable that
we have not received any satisfactory response from the general public.
We have not received very many opinions and such as we have received
are of the most casual character. I hope that we shall receive a much
better response from the honourable members than we have received from
the public in general.

So far as the Government is concerned, I may make it perfectly plain
that we have not come to any conclusions so far, either final or even tenta-
tive. Various heads of departments have been engaged in examining the
report. We have not received so far any opinions from the heads of de-
partments. Therefore it will be a great advantage if the honourable mem-
bers of the House take the trouble of expressing their views as fairly and

frankly as possible. Instead of indulging in recriminations — honourable members of the Opposition trying to ridicule Government or members representing the Unionist Party trying to ridicule the Opposition — I think we should proceed to discuss this report in a calm atmosphere. I have an open mind. The Government has an open mind and if opinions are expressed here fairly and frankly but in a calm and serious mood — (*An honourable member*: Is it a receptive mind?) I have an open mind as well as receptive mind. I am open to conviction and as I have already stated that if views are expressed in a serious mood and in a calm manner, they are more likely to produce an impression upon the Government members, than views expressed in a wild and reckless manner or only in a spirit of fault finding.

What I should request honourable members to say would be this. What recommendations do they particularly emphasise? What particular omissions are there which they would like to be supplied even at this late stage? What order of urgency would they assign to the various recommendations of the Unemployment Committee's Report? And lastly, I should be extremely grateful if honourable members would kindly suggest how any recommendations which they desire to be accepted or carried into effect, are to be financed. If they are kind enough to suggest ways and means by which particular recommendations to which they attach importance can be given effect to, it will be a matter of the greatest gratitude to me personally and to the Government as a whole, because we should not forget that one of the most serious obstacles in the way of giving effect to the recommendations of the Committee would be our finances. We get something between 11 and 12 crores a year. All that money is already committed. All that money is already earmarked for certain existing services. Therefore we have to depend mostly on fresh receipts from somewhere. The report of the Retrenchment and Resources Committee has not yet come up for discussion even before Government. That report will have to be discussed by this House. Then there is a second very important report of the Revenue Committee. All these reports — the Unemployment Committee's Report, Retrenchment and Resources Committee's Report and Darling Committee's Report hang together. So far as the Darling Committee's Report is concerned, we may count upon some sort of a fresh inroad upon our revenues. If we are in a position to accept any of the recommendations of that committee, we may rest assured that we shall be losing a portion of our revenue in one way or another. So far as the Retrenchment and Resources Committee's report is concerned, it has not come up before the House and has not been so far considered by Government and we are not supposed to divulge its contents prematurely. It is a very important report and a very large part of whatever we may be able to do in respect of the recommendations of the Unemployment Committee's report will depend upon the issue of that report. Retrenchment, as has been stated many a time on the floor of this House, is confined within very strict limits. The Committee must have made certain recommendations in the way of retrenchment, but let me remind the House that the scope for retrenchment is not quite so large as we are sometimes apt to think. We should not forget that, as a result of our retrenchment campaign in 1931-32 a permanent reduction to the extent of over 80 lakhs of rupees was effected.

[Minister for Development.]

by the Government in our annual expenditure. This leaves temporary reduction out of account. Therefore so far as our own province is concerned, the scope for retrenchment is limited. Anyway whatever money we are able to save by entering upon fresh retrenchment will be there available for giving effect to the recommendations of the Unemployment Committee, but as I stated in the very beginning everything will really depend upon what fresh resources we are able to lay hands on. If honourable members of this House will kindly suggest what sources of fresh revenue we can tap, it will be a matter of great gratitude to the Government.

However as I stated at the outset I am here to listen and not to inflict a speech, because it will be in the light of the criticism of this House, in the light of suggestions that are made by honourable members that Government will have to come to a decision on the recommendations of the Retrenchment Committee. I assure the House that the greatest possible deference will be paid to the views expressed here, but what I may emphasise most is an indication of fresh sources of revenue. I hope members will kindly suggest those fresh sources of revenue even more than further avenues of retrenchment.

Mr. Deputy Speaker : The question is —

That the report of the Punjab Unemployment Committee be discussed.

The motion was carried.

Lala Duni Chand (Ambala and Simla, General, Rural) : Sir, I was already in that frame of mind in which the Honourable Minister for Development wants the report to be discussed. I shall try to meet his wishes as far as it is possible for me. I find this report a useful and a valuable document. Good many suggestions have been made in order to tackle the question of unemployment. There is hardly any industry, either big-scale industry or small industry, that has not been discussed. I shall welcome this report if some of the suggestions, some of the remedies, pointed out in this report are carried out in the near future. At the same time I would like that this report or at least the most important part of this report is got printed and published in the form of pamphlets and made available to the public, particularly the village people. I believe thereby the Government will be giving incentive or stimulus to the village people to start village industries. It will also give stimulus to the capitalists who might think of investing their capital in starting big scale industries. I would suggest that it should be made one of the duties of the patwaris and other rural officers who are literate to read this report to the village people and to acquaint them with the important contents of this report. Sir, I believe that in order to remove unemployment particularly among the agriculturists, two important things are absolutely necessary. The first is that an intensive and extensive industrialisation of this province should be carried out. This province should be industrialised not only by way of starting big-scale industries but also by way of starting as many cottage village-industries as possible. Another factor which will count in the removal of unemployment in this province is the question of the reduction of population. The members of this committee complain that no importance was given to this question by any of the witnesses. The

members of the committee have devoted only one paragraph to the discussion of this question. Sir, unless means are devised to bring about material reduction in the population of this province, there is not much hope for the removal of unemployment. It is stated in the report that the population has been increasing fast. There was an increase of 5·7 per cent in 1921 and there was an increase of 14 per cent in the census of 1931. It is estimated now that within a few months when the census will be taken, it will be found that the population of the Punjab has further increased. I was glad to read the opinions of the deputy commissioners of Lahore and Sheikhupura who strongly advocate that unless serious steps are taken to reduce the population, it will be impossible to bring about any appreciable improvement in the economic condition of the people. More than this, I was very happy to read the opinion of my honourable friend Nawab Muzaffar Khan who very strongly recommends reduction of the population. Apart from the evil of over-population, the greatest evil is that if the population is increased indiscriminately, it produces the largest number of inefficient men, physically deteriorated men. How can the economic condition of the province improve when we find that as against one efficient boy and one efficient girl, hundreds of inefficient boys and inefficient girls are brought into existence? Every civilised country must take care that the boys and girls that are brought into existence must be physically fit and must be intellectually efficient. I submit that is the greatest grievance that I have got. If you could increase the efficiency and the health of the population, perhaps I will not have any objection to the increase of population. But here the trouble is that there is a man who hardly makes Rs. 5 or 10 a month but producing a dozen children. This is the usual phenomenon that you find all over the province, that a man whose monthly income is not more than Rs. 10 or 15 produces a large number of children. I know the position of the Government is difficult in this respect. But I do think that even the Government should take part in popularising the idea of the reduction of population. I have submitted that these are the two main factors, the solution of which really will bring about better economic condition of the people. Unless the closest attention is paid to these two factors, nothing very material can be achieved. All other remedies that have been suggested in this report or might be suggested are mere palliatives.

Next I come to the question of the large-scale industry. I submit good many things have been said and good many things have been done in order to improve the condition of the agriculturist.

I respectfully and earnestly submit before the Honourable Sir Chhotu Ram who is the greatest advocate of the cause of agriculturists that it is impossible to improve their condition in any way, unless big-scale industries are started in this province. I will quote to him the instance of the United Provinces. In the United Provinces the sugar-cane industry has been started on a big-scale and I dare say that that industry has made an improvement in the economic condition of the poor peasantry of the United Provinces. I am interested in the sugar-cane factory that has been started at Abdullahpur. I have ascertained the opinion of the people and they all welcome it. I know a large number of agriculturists of Ambala district and particularly of Jagadhri and Ambala tahsils have been

[L. Duni Chand].

particularly benefited. Sir, it has been admitted in the Report that at least one big scale textile mill should be at once started in the Punjab. It is also stated in the report that in view of the consumption of fine cloth by the Punjab in large quantities, there is room in the Punjab for starting a network of ten or twelve textile mills. I shall be only too glad to see that there is a network of textile mills in the Punjab. The Honourable Chaudhri Sir Chhotu Ram stated that the question of capital has to be taken into consideration. The question has been discussed as to how far the Government can take the responsibility of starting factories itself. Good many defects have been pointed out in that connection. Dr. Bhatnagar, an eminent scientist of this province, has been very frequently referred to in this report and his opinion has been rightly referred to and a great prominence has been given to his opinion. So far as the capacity of the Government to start big industries is concerned, he has expressed himself in that opinion, in these words. His opinion is that "the present Government have neither the requisite experience nor the ability, nor the intelligent enthusiasm for industry." This is the opinion of Dr. Bhatnagar that has been quoted in this report. Some of the Honourable Ministers are very able men, but I have got one complaint with regard to most of them. My complaint is that in spite of the important position held by them their outlook is very, very narrow, their mind is very small and they are not far-seeing people. Very ordinary ideas dominate their minds and they are obsessed by them. The Honourable Chaudhri Sir Chhotu Ram wanted to know what suggestions can be made with regard to securing of capital. My suggestion to him is that there is enough capital in the Punjab and that capital has gone to other provinces, because there was no room for its investment in this province. I ask him he should not do anything that will make the capital shy or that will make the capitalist shy. And if the capitalists of this province are convinced that the attitude of Chaudhri Sir Chhotu Ram is not hostile, they will be only too glad to invest their capital here. As regards cottage industries, I submit the weaving and spinning industry is the industry which in a small measure can contribute to the economic betterment of the people of this province. Mahatma Gandhi has been preaching the cult of hand-weaving and hand-spinning for the last 20 or 25 years and by this time he has been able to bring round almost the whole of India to the belief that in the universal weaving and spinning lies the salvation of the people of this country. Sir, I do know that hand-weaving and hand-spinning cannot appreciably add to the wealth of the country but at the same time it is a fact, it is an undeniable fact that it can make an addition to a small extent to the income of every male and female of this country. Really by giving the greatest prominence to hand-weaving and hand-spinning, Mahatma Gandhi has to a great extent solved the question of the economic betterment of this country. This does not require much capital. I suggest that out of the revenues of the province, a certain amount of money should be given as subsidy for this purpose to a large number of men and women in this province. Famines like the Hissar famine would become rare things if at times like these the Government becomes a little generous and gives small subsidies or doles to the people for such a thing. Government should not be stingy

in these matters. There are many other industries, cottage industries that have been mentioned in the report. I want that these industries should be subsidized by the Government. I know my people, they are not very enterprising. Unless they are encouraged in starting village industries, you may not expect much from them. What is really needed is that small subsidies should be granted say all of them to the agriculturists for this purpose. The agriculturists in fact, have the largest claim upon the purse of the Government. They should be given something. If they think that by mere publication of this report they will be able to induce the rural population to take to village industries, I submit they are mistaken. They should be taught lessons of self-help with the help of Government. Unless Government comes forward I think these people cannot take any initiative. In order that they may be persuaded to take initiative, Government should prepare a large scheme under which the Government can make grants and subsidies. There is another very important question to which a good deal of importance has been given. There is the question of marketing. In one place it has been said that marketing has been the stumbling block of the village industries. I entirely agree with this view. I also agree with another view that has been expressed in the report namely the village shopkeepers and the middle men take away most of the profit that the poor villager can make. Really they hardly leave any margin for those who run cottage industries. They must be protected from the rapacity of the middlemen and shopkeepers.

At this stage the Assembly adjourned till 2-30 p. m. on Friday, the 9th February, 1940.

1911

1911年1月1日 星期日 晴
1911年1月2日 星期一 晴
1911年1月3日 星期二 晴

1911年1月4日 星期三 晴

1911年1月5日 星期四 晴

1911年1月6日 星期五 晴



1911年1月7日 星期六 晴

1911年1月8日 星期日 晴
1911年1月9日 星期一 晴

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, the 9th February, 1940.

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

STARRED QUESTIONS AND ANSWERS.

VICEREGAL DARBAR AT HISSAR.

***5224. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) the reasons for holding the Viceregal Darbar at Hissar on the 6th August, 1939, and the expenses borne by the Punjab Government in this connection ;

(b) whether it was on the invitation of the Punjab Government or at the wish of the Viceroy that the Darbar was held ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No Viceregal Darbar was held at Hissar during the visit of His Excellency the Viceroy in August, 1939. The expenditure in connection with such informal meetings as were held was negligible and has been borne from the ordinary budget allowance of the Commissioner of the Ambala Division.

(b) Does not arise.

THE STATES PROTECTION ACT.

***5225. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) the reasons for the promulgation of the States Protection Act in the Punjab ;

(b) the number and names of persons to whom notices have been served, who have been arrested or against whom legal action has been taken under the Act ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) The honourable member is referred to the answer given to clause (a) of starred Assembly Question No. 5120¹.

(b) Notices 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.

¹ Vide the debates of 1st March, 1940.

DEMAND OF SECURITY FROM WEEKLY " DUKHI DUNYA."

***5310. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the reasons for demanding a security of Rs. 1,500 from the weekly " Dukhi Dunya," Jullundur, in the month of September, 1939; and also be pleased to place on the table of the House the objectionable portions from the said weekly on which action the security has been demanded ?

Parliamentary Secretary (Mir Maqbool Mahmood) : As the issue of the " Dukhi Dunya " Gurmukhi, weekly of Jullundur, dated the 29th July, 1939, contained matter which offended against clause (b) of section 4 (1) of the Indian Press (Emergency Powers) Act, XXIII of 1931, its publisher was ordered to deposit a security of Rs. 1,500. It is not in the public interest to lay objectionable portions of the offending matter on the table.

 AGREEMENT BETWEEN LEADERS OF KISAN MORCHA AND THE PREMIER.

***5311. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to place on the table of the House the terms agreed upon between him and the leaders of Lahore Kisan Morcha for bringing to an end the said morcha mentioning specially the demands of the kisans acceded to by him ?

Parliamentary Secretary (Mir Maqbool Mahmood) : The attention of the honourable member is invited to Punjab Government Press *Communiqué*, dated the 9th September, 1939, a copy of which is laid on the table.

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.

 MOGA AGITATION ON RAYYA RAJBAAH.

***5318. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

(a) whether he said on the 9th July, 1938, in Khalechian, district Amritsar, that he would take proper action against the officer who had instigated the Moga agitation on the Rayya Rajbah in the Amritsar district ;

(b) whether he has taken any action against that officer and, if so, the nature of the action taken ?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) and (b) What the Honourable Premier said was that if any official was found to have been guilty of harassing poor zamindars he would see that he received exemplary punishment. No officer has been found to be responsible for the Moga agitation on Rayya Rajbah.

Sardar Sohan Singh Josh: Was any inquiry made?

Parliamentary Secretary: Yes, an inquiry was made.

Sardar Sohan Singh Josh: Who made that inquiry?

Parliamentary Secretary: If the honourable member will give notice I will get that information.

PROSECUTION AND INTERNMENT OF M.L.As. (PUNJAB).

***5412. Lala Duni Chand**: Will the Honourable Premier be pleased to state—

- (a) the number of M.L.As. (Punjab), prosecuted and interned since 1st April, 1937, up to date;
- (b) the offences for which they have been prosecuted and the acts for which they have been interned;
- (c) the number of those discharged or acquitted;
- (d) the number of those convicted?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) and (b) Eleven M.L.As. have been prosecuted since 1st April, 1937, up to date. Of these three were prosecuted under Section 107, Cr. P. C., one under Section 332, I. P. C., one under Section 117/188, I. P. C., one under Rule 38 (5) of the Defence of India Rules, 1939, one under Section 409, I. P. C., one under Section 324/325/148, I. P. C., one under Section 388, I. P. C., one under Section 124-A, I. P. C. and one under Sections 449/307/109, I. P. C. No M.L.A. was interned during this period.

(c) Two M.L.As. were acquitted and the case against a third was withdrawn.

(d) Two M.L.As. were convicted and the cases against six are still pending.

Lala Duni Chand: While thanking the Parliamentary Secretary for the detailed reply, may I know if the Government is satisfied with this record or not?

ADVERTISEMENTS OF DEBT CONCILIATION BOARDS AND LAW COURTS AND NEWSPAPERS.

***5435. Chaudhri Sahib Ram**: 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?

The Honourable Chaudhri Sir Chhotu Ram : Regarding the publication of the notices of Debt Conciliation Boards, the honourable member is referred to the answer to the starred question No. 15245. The civil 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.

SHADOWING OF M.L.As.

***5458. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether any orders or instructions have been issued by the Government or the police department regarding the espionage or shadowing of members of this Assembly by the police ;
- (b) to which classes of the members of the Assembly the said instructions relate and the reasons for the same ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) and (b) It is not in the public interest to answer such questions, but I may add that no instructions have ever been issued with regard to " espionage or shadowing " of members of the Legislative Assembly.

Lala Duni Chand : May I know if it is or is not within the knowledge of the Parliamentary Secretary that every member of this Assembly, sitting on this side (Opposition Benches) is shadowed by the police when he goes out in connection with the Congress work or in connection with the Legislative Assembly work ?

Parliamentary Secretary : My information is that this is not so.

Lala Duni Chand : May I understand that no complaint or no information to that effect has reached the ear of the Parliamentary Secretary ?

Parliamentary Secretary : Neither any complaint nor any report has reached the Government to this effect and no instructions have therefore been issued.

ANTI-CORRUPTION DEPARTMENT.

***5696. Chaudhri Muhammad Hasan :** Will the Honourable Premier be pleased to state—

- (a) the date of establishing the Anti-corruption Department in the Punjab ;
- (b) the total monthly salary of all the officers and the establishment ;

(c) the total number of cases of corruption detected or investigated by this department;

(d) the travelling allowance drawn by the officers of this department in the discharge of their duties during the months of July, August, September and October, 1939;

(e) whether in any case this department has brought to book any offender; if so, the punishment awarded to him?

Parliamentary Secretary (Mir Maqbool Mahmood): (a) 1st April, 1939.

(b) Rs. 2,066-8-0.

(c) and (e) Up to date the Department has completed the investigation of twelve cases. In six of these positive results seem likely to be secured. The six cases are now being dealt with in the Departments concerned.

(d)—

			Rs. A. P.		
<i>July.</i>					
Officer-in-Charge	..	..	Nil.		
Investigating Officers	..	..	904	11	0
<i>August.</i>					
Officer-in-Charge	..	..	223	8	0
Investigating Officers	..	..	311	2	0
<i>September.</i>					
Officer-in-Charge	..	..	Nil.		
Investigating Officers	..	..	191	5	0
<i>October.</i>					
Officer-in-Charge	..	..	Nil.		
Investigating Officers	..	..	308	15	0

Sardar Sahib Sardar Santokh Singh: May I know whether all the officers of the Anti-corruption Department have been drawn up from the Police Department.

Parliamentary Secretary: I will require notice of this question.

Lala Duni Chand: May I know if it is not a fact that since the establishment of this Anti-Corruption Department, corruption has increased.

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Parliamentary Secretary: I repudiate the insinuation that corruption has increased because of this department. As a matter of fact we have reasons to believe that this department has proved most useful.

Dr. Gopi Chand Bhargava : May I know what percentage of the corruption cases has been taken cognizance of by this department ?

Parliamentary Secretary : If a notice is given we will work out the percentage.

Lala Duni Chand : Is it a fact that corruption is rampant in this province ?

Mr. Speaker : Disallowed.

Lala Duni Chand : Sir, I am quoting the words from the Government Report of 22nd March, 1921. It is given in that Report that in all departments of Government corruption is rampant.

Mr. Speaker : How does this supplementary question arise ?

Lala Duni Chand : It deals with the establishment of the Anti-corruption Department. I want to know the answer with regard to this matter. This was admitted by the Government itself some years ago.

Mr. Speaker : Disallowed.

Sardar Sahib Sardar Santokh Singh : May I know if one of the officers in this department was himself suspended for corruption about three years ago ?

Parliamentary Secretary : I am not aware of it. I would like to have notice of that question.

Lala Duni Chand : May I know why it is that the Government has not come to know of this fact for such a long time ?

INTERMENT OF SARDAR BHAGAT SINGH OF BILGA, DISTRICT
JULLUNDUR.

***5798. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether it is a fact that in reply to a reference made by Sardar Bhagat Singh of Bilga, district Jullundur, as to when the internment order, under which he was interned in his village, would expire, the Deputy Commissioner, Jullundur, and the Secretary to the Government concerned quoted different dates ; if so, reasons for the discrepancy and the real date of the expiry of the said order ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Yes. The District Magistrate, Jullundur, incorrectly calculated from the date of the service of the order ; the real date of expiry was 17th October, 1939.

REFUSAL OF LEGAL ADVISER'S INTERVIEW WITH SARDAR IQBAL
SINGH, INTERNEE.

***5802. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether it is a fact that an interview demanded with Sardar Iqbal Singh, an internee, by his legal adviser has been refused ; if so, the reasons for this refusal ?

Parliamentary Secretary (Mir Maqbool Mahmood): He is not an under-trial prisoner and an interview with a legal adviser was refused as being quite unnecessary.

GUN AND REVOLVER LICENCES.

***5805. Chaudhri Muhammad Hasan:** Will the Honourable Minister for public works be pleased to state—

- (a) the number at present of gun and revolver licences in each tahsil of the Ludhiana district ;
- (b) how many out of these actually reside in villages and how many out of them live in cities and towns of Jagraon, Raikot, Khanna and Samrala ;
- (c) the number of agriculturists and non-agriculturists among them ;
- (d) whether these licences include any taxi-owners and drivers among them and, if so, the amount of land revenue or income-tax paid by each of these lorry or taxi owners and drivers ;
- (e) whether any of these owners or drivers has recently been involved in some abduction case ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Ludhiana	..	..	..	..	787
Jagraon	..	..	..	..	814
Samrala	..	..	..	..	189

(b) and (c) This information could not be collected without special inquiries entailing a disproportionate expenditure of time and labour.

(d) and (e) No information is available in the District Magistrate's office on these points.

LICENCES FOR PISTOLS AND GUNS IN THE PROVINCE.

***5821. Sardar Partap Singh:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of licences for pistols and guns issued in 1988 throughout the province district-wise ;
- (b) how many applications for licence for pistols and guns were rejected in 1988 in the province district-wise ?

Parliamentary Secretary (S. B. Sardar Ujjal Singh) : A statement is attached—

Division.	District.	NEW REVOLVER AND GUN LICENCES GRANTED DURING 1938.					APPLICATIONS FOR LICENCES FOR REVOLVERS OR PISTOLS AND GUNS REJECTED IN 1938.	
		Revolver or pistols.	Protection.	Sport.	Guns for		Revolvers or pistols.	Guns.
					Protection combined with sport or dis- play or both.	Total.		
Ambala	Hissar ..	4	66	..	44	110	6	119
	Rohtak ..	2	7	..	8	15	9	47
	Gurgaon ..	1	28	..	17	45	4	74
	Karnal ..	..	4	5	19	28	1	153
	Ambala ..	5	7	35	47	89	4	74
	Simla ..	2	4	6	15	25	4	17
Jullundur	Kangra ..	2	18	..	332	350	..	545
	Hoshiarpur ..	14	21	..	41	62	6	149
	Jullundur ..	2	9	..	35	44	6	63
	Ludhiana ..	1	16	..	16	32	13	146
	Ferozepore ..	9	77	20	111	208	6	87
Lahore	Lahore ..	32	25	..	235	290	30	131
	Amritsar ..	22	26	..	44	70	11	71
	Gurdaspur ..	2	11	..	51	62	8	132
	Sialkot ..	4	13	44	20	77	5	63
	Gujranwala ..	5	6	8	22	36	7	47
	Sheikhupura ..	12	7	..	83	90	6	85
Rawalpindi	Gujrat ..	1	..	..	24	24	7	53
	Shahpur ..	2	24	..	62	86	12	93
	Jhelum ..	5	12	11	17	40	..	..
	Rawalpindi ..	7	1	..	150	151	46	184
	Attock ..	2	..	..	50	50	14	86
	Mianwali ..	4	1	..	57	58	3	33
Multan	Montgomery ..	8	16	..	51	67	8	77
	Lyallpur ..	2	4	..	11	15	8	128
	Jhang ..	2	4	..	27	31	11	38
	Multan ..	3	6	..	64	70	3	148
	Muzaffargarh ..	2	2	6	6	14	1	51
	Dera Ghazi Khan	5	..	..	18	18	1	39

(87 applications for
arms licences were
rejected. Details
not available).

COMPENSATION TO SUFFERERS IN COMMUNAL RIOT AT MULTAN.

*5840. **Munshi Hari Lal :** Will the Honourable Premier be pleased to state—

(a) whether the Government has abandoned the idea of compensating those who suffered loss of property in the communal riots of October, 1938, in Multan ;

(b) whether the Government intend granting any compensation even now and, if so, when ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No. The matter is still under consideration.

(b) The question of granting compensation to sufferers will be considered as soon as inquiries in one outstanding case, which are being made as expeditiously as possible, are completed.

ADVERTISEMENT REGARDING VACANCIES IN PUNJAB CIVIL SECRETARIAT.

*5881. **Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state whether vacancies occurring in the Punjab Civil Secretariat are advertised ; if not, what steps, if any, are taken to call for applications from candidates in mofussils ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Yes. Recruitment to the Punjab Civil Secretariat is now made on the basis of a "qualifying" examination conducted by the Punjab and North-West Frontier Province Joint Public Service Commission who advertise the number of vacancies expected to occur the following year.

REPRESENTATION IN SERVICES TO UNDER REPRESENTED DISTRICTS.

*5889. **Mian Sultan Mahmud Hotiana :** Will the Honourable Premier be pleased to state the steps Government has taken to give adequate representation in Government services to the inhabitants of those districts who are under-represented and if no steps have so far been taken, the reasons therefor ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Every district gets its due representation in services recruited by district officers. For services recruited on a provincial basis, it is not practicable to prescribe the share of particular districts.

Mian Sultan Mahmud Hotiana : May I inquire as to what are the obstacles that stand in the way of the Government giving representation to the backward districts in the matter of services ?

Parliamentary Secretary : The selection of appointments in the provincial service in certain cases is the result of competition which is held on provincial basis and in other cases on the basis of nomination where persons with the requisite qualifications belonging to communities of the percentage to which they are entitled are selected.

Mian Sultan Mahmud Hotiana : There are several districts in the province which have been given undue representation in Government services, whereas there are many which have been denied even their due share. Now may I know the considerations that are kept in view while giving preference

[M. Sultan Mahmud Hotiana.]

to the districts which have been already enjoying more than their legitimate share ?

Parliamentary Secretary : As I have already stated larger number of appointments are made on a district and divisional basis and the orders have recently been issued by the Government as to how that recruitment is to be affected. As to the provincial services, their number is small and the selections are not made district-wise.

Lala Duni Chand : May I know if there are no districts in the Punjab that are practically precluded from the share of the benefit of the Government services ?

Parliamentary Secretary : I am not aware of any district which is specifically precluded from the share of the benefits of the Government services.

Lala Duni Chand : Is it within the knowledge of the Parliamentary Secretary that Simla is practically precluded from any share in the Government services ?

Parliamentary Secretary : Simla gets its due share of services in the district and divisional appointments. As to the provincial service, I am not aware whether in Simla men are or are not selected.

Lala Duni Chand : Is it within his knowledge that according to the Honourable Chaudhri Sir Chhotu Ram's statement, all the six districts of the Ambala division have got much less share of Government services as compared with the share of Government services enjoyed by other divisions ?

Parliamentary Secretary : If my honourable friend invites my attention to any particular statement of the Honourable Minister for Development, then I will be able to answer his question.

Mian Sultan Mahmud Hotiana : Is it a fact that the Government has been from time to time announcing its considered policy to the effect that preference should be given to the backward districts and classes in the matter of services ? If so, then is the Government justified in overlooking the claims of the unrepresented areas and employing more persons from the districts which have already got more than their due share ?

Mr. Speaker : The question is argumentative.

Khan Sahib Chaudhri Sahib Dad Khan : What is the attitude of the Government with regard to the appointment of candidates in a particular district who do not belong to that district ?

Mr. Speaker : The question is hypothetical.

GOVERNMENT SERVICE AND BUNDLAI SIKHS IN MULTAN AND JHANG DISTRICTS.

*5892. **Tikka Jagjit Singh Bedi :** Will the Honourable Premier be pleased to state whether Bundlai Sikhs, principally residing in Multan and Jhang districts, are treated as Sikhs for the purposes of recruitment in services under the Punjab Government ?

Parliamentary Secretary (Mir Maqbool Mahmood) : Yes, provided of course the candidate for recruitment satisfies the definition of a Sikh given in section 2 (9) of the Sikh Gurdwaras Act, 1925.

GRANT OF EXTENSION TO MEMBERS OF PROVINCIAL SERVICE.

*5915. **Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

- (a) the number of Punjab Civil Service (both Executive and Judicial) who are due to retire in 1939-40;
- (b) whether any further extension has been granted to any member of Provincial Civil Service (Judicial or Executive) after 30th June, 1939; if so, to whom and for what period and the reasons for doing the same;
- (c) whether any applications from any of these officers for extension are still pending, if so, how many and of whom and the action Government proposes to take in the matter?

Parliamentary Secretary (Mir Maqbool Mahmood) :

- | | | | |
|---|----|----|----|
| (a) Punjab Civil Service (Executive Branch) | .. | .. | 12 |
| Punjab Civil Service (Judicial Branch) | .. | .. | 6 |

(b) (1) Lala Bihari Lal, Extra Assistant Settlement Officer, Amritsar, has been granted an extension from the 11th January, 1940, to the 30th September, 1940, in order to enable him to complete the work of which he is in charge.

(2) Khan Bahadur Sheikh Khurshaid Muhammad, P.C.S., Deputy Commissioner, was granted further extension from the 1st July, 1939, to the 7th November, 1939, on public grounds.

(c) No.

Pandit Bhagat Ram Sharma : May I know what the Parliamentary Secretary means by "public grounds"?

Parliamentary Secretary : 'Public grounds' means in the interest of public services in the province.

Mr. Dev Raj Sethi : What are those particular public grounds on which this man was granted extension?

Parliamentary Secretary : Exigency of work. I do not wish to add anything further. The officer has since retired.

Lala Duni Chand : May I know why it is that against the declared and repeated policy of the Government against extension of services, so many extensions are being granted?

Parliamentary Secretary : If my honourable friend regards two extensions as so many, then his definition of 'so many' and mine differ.

Lala Duni Chand : By so many, I mean the number mentioned by the Parliamentary Secretary.

Parliamentary Secretary : The number is two.

DETENUS IN THE LAHORE FORT.

*5919. **Shrimati Raghbir Kaur :** Will the Honourable Premier be pleased to state—

- (a) whether the treatment accorded to the detenues kept in the Lahore Fort is uniform or whether they are classed as A, B, and C class prisoners;

[Sh. Raghbir Kaur.]

(b) the amount daily spent on their food at present ;

(c) the details of the arrangements for accommodating them in the said fort ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Treatment is uniform.

(b) and (c) Persons detained in the Lahore Fort are better accommodated and receive better food than prisoners in jail.

Shrimati Raghbir Kaur : May I inquire as to whether sick and invalid detenus kept in the Lahore Fort are treated in the jail or are admitted into the Hospital ?

Parliamentary Secretary : I require notice of that question.

Shrimati Raghbir Kaur : Is it or is it not a fact that when Iqbal Singh fell ill he was sent to the jail for treatment ?

Parliamentary Secretary : I again require notice.

CASES OF CORRUPTION UNDER TRIAL IN THE DISTRICTS OF JHANG AND LYALLPUR.

***5943. Mr. Dev Raj Sethi** : Will the Honourable Premier be pleased to state—

(a) whether any cases of corruption are being tried in the districts of Jhang and Lyallpur ; if so, how many and the names of the accused ;

(b) whether the Anti-corruption Department has brought to light any other cases of corruption in the said district, apart from those mentioned in (a) ; if so, the steps taken by it so far in connexion with them ;

(c) any special measures intended to be taken by the Government to eradicate corruption from these two districts ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) No such cases are at present under trial in the Jhang district. In Lyallpur one case involving a head constable of police is under trial in the criminal court. Two other cases, involving respectively a sub-inspector of police and three Tahsil peons, are at present the subject of departmental proceedings. I do not think that it is necessary to give names.

(b) The Special Inquiry Agency have during the last months been investigating five cases of suspected corruption in the Lyallpur district. In four of these the Agency has submitted reports to the head of the department concerned. The fifth is still under investigation. The Agency has not so far taken up any cases in the Jhang district.

(c) The same measures are being taken in these two districts as elsewhere in the province.

CHAUDHRI WALAYAT HUSAIN, REVENUE ASSISTANT, LUDHIANA.

***5945. Pandit Muni Lal Kalia** : Will the Honourable Premier be pleased to state—

(a) how long Chaudhri Walayat Husain, Revenue Assistant, Ludhiana, has been stationed at Ludhiana ;

(b) the different posts held by him during the period he has been in Ludhiana district ;

(c) the reasons for keeping the said officer in Ludhiana for such a long period ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Since the 17th November, 1935.

(b) Magistrate of the 1st Class, Treasury Officer, and Revenue Assistant.

(c) Transfers among executive officers are made entirely in the exigencies of the public service and not simply because an officer happens to have completed a certain period at a station.

SUBSISTENCE ALLOWANCE FOR PARENTS OF COMRADE CHANAN SINGH.

***5955. Sardar Ajit Singh :** Will the Honourable Premier be pleased to state whether it is a fact that the parents of Comrade Chanan Singh, a State prisoner, recently applied to him for a subsistence allowance for them and, if so, what action has been taken on that application ?

Parliamentary Secretary (Mir Maqbool Mahmood) : No such application appears to have been received in the Government Secretariat.

Sardar Ajit Singh : Is it not true that the parents of Comrade Chanan Singh saw the Honourable Premier personally some six months ago and requested him for a subsistence allowance for them ?

Parliamentary Secretary : I want notice for that question.

INQUIRIES INTO ALLEGATIONS AGAINST GOVERNMENT SERVANTS.

***5973. Khan Muhammad Yusuf Khan :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that instructions were issued to all Heads of Departments and declarations made on the floor of the House that if five respectable persons give in writing as to the dishonesty of any Government official the inquiry into the allegation or allegations shall commence forthwith ;

(b) if the reply to (a) above be in the affirmative, district-wise the number of inquiries so far held on such complaints since the time the instructions mentioned in (a) above have been issued with the results thereof ?

Parliamentary Secretary (Mir Maqbool Mahmood) : (a) Yes in 1928. The instructions were re-issued and a press *communiqué* published in May, 1937.

(b) Information on this subject was given to the House in the cold weather of 1937-38 in reply to Question *935¹, put by the Honourable Member for the Kangra and Northern Hoshiarpur (Sikh) Rural Constituency. The collection of statistics from all the various departments entails considerable labour, and I hardly think it necessary to collect more up to date figures. Particulars of the action taken against corrupt officials are as the Honourable Member knows, regularly compiled each year and communicated to members in a printed statement.

EMBEZZLEMENT IN HISSAR FAMINE RELIEF WORKS.

***4862. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state whether he has seen the Press report that several clerks have been removed in connection with embezzlement in the Hissar Famine Relief works; if so, the necessary facts about it, the number of such clerks and the stations where they were working ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes. Up to the 13th April, 1939, sixty-four moharrirs were dismissed. (Details by relief camps are given below :—

Serial No.	Name of relief camp.	Total number of clerks dismissed.
1	Barwa	5
2	Kalanwali	9
3	Alampur	1
4	Khot Kalan	2
5	Tohana	4
6	Sahuwala	1
7	Tigrana	2
8	Jamalpur Sheikhan	3
9	Jamalpur (Hansi)	2
10	Jamalpur (Tahsil Hansi)	2
11	Mirka	4
12	Khot	9
13	Sahuwala	2
14	Legha Bhana	1
15	Bhewani Khora	1
16	Ranis	3
17	Juglan	2
18	Gudia Khora	3
19	Barwala	5
20	Ellanabad	2
21	Bass	5

FODDER CAMP AT JHONIA, TAHSIL BHIWANI.

***4917. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) when the fodder camp at Jhonia, tahsil Bhiwani, district Hissar, was to start its work and how much fodder was weighed till 24th March, 1939, for storage at that camp ;
- (b) whether it is a fact that Government has now stopped the supply of 'gawara' with *lagavi* fodder in the tahsil ; if so, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The honourable member presumably refers to the fodder dump at Jhunpa.

(a) In the first week of March, 1939. Two thousand maunds of fodder was distributed by the 24th of the same month.

(b) Yes. Guara is given to cattle in the winter months only.

DISTRIBUTION OF FODDER IN HISSAR DISTRICT.

***4918. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) how many maunds of fodder including 'Gawara' have been distributed by Government for cattle, tahsil-wise, in the Hissar district from 1st September, 1938, to 31st March, 1939, together with the number of cattle for which it was distributed ;
- (b) how much and at what rate fodder was obtained from each contractor by the Fodder Adviser in Hissar, Rohtak and Gurgaon districts from 1st October, 1938, to 31st March, 1939, together with the names of the contractors ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) A statement is laid on the table.

(b) A statement is laid on the table.

1	2	3	4	5	6	7	8
Name of taluk.	SEPTEMBER, 1938.	OCTOBER, 1938.	NOVEMBER, 1938.	DECEMBER, 1938.	JANUARY, 1939.	FEBRUARY, 1939.	MARCH, 1939.
	Quantity of fodder in- cluding Guara issued.	Quantity of fodder in- cluding Guara.	Quantity of fodder in- cluding Guara.	Quantity of fodder in- cluding Guara.	Quantity of fodder in- cluding Guara.	Quantity of fodder in- cluding Guara.	Quantity of fodder in- cluding Guara.
	Number of cattle.	Number of cattle.	Number of cattle.	Number of cattle.	Number of cattle.	Number of cattle.	Number of cattle.
Hisar	Mds. 16,725	Mds. 24,233	Mds. 30,815	Mds. 38,988	Mds. 51,456	Mds. 51,485	Mds. 78,767
Hansi	"	13,068	14,712	31,386	49,404	51,477	43,570
Bhiwani	"	9,329	16,395	11,793	29,701	34,422	36,835
Fatehabad	"	24,535	23,165	24,229	142,280	145,890	48,850
Sirsa	986	12,757	15,392	26,181	32,422	85,908	103,045
		2,830	2,722	5,212	16,572	17,903	18,777
		2,830	2,722	5,212	16,572	17,903	18,777

Statement showing the quantity of fodder supplied by each contractor to the Districts of Hissar, Gurgaon and Rohtak.

Serial No.	Name of Contractor.	Rate per maund f. o. r. destination.	Quantity in maunds.	Kind of fodder.	District in which supplied.
1	Messrs. Ballumal-Rulichand ..	Rs. A. P. 0 11 0	33,300	Bhusa ..	Hissar.
2	Messrs. Abdulhakim-Devraj ..	0 10 6	4,206	Do. ..	Do.
3	Messrs. Pitamchand-Madan-mohan.	0 12 0	14,600	Karbi ..	Do.
4	Chaudhri Bhoori Singh ..	0 12 0	55,500	Do. ..	All Districts.
5	M. Mehdi Ali Khan ..	0 8 0 (f. o. r. Dhanata).	700	Do. ..	Hissar.
6	Messrs. Bhagwati Parshad, Jain	0 12 0	18,330	Do. ..	Gurgaon and Hissar.
7	Messrs. Abbot Brothers ..	0 15 0	720	Baled hay	Hissar.
8	Lala Balak Ram ..	0 8 6 (f. o. r. Buchiana).	5,600	Bhusa ..	Do.
9	M. Abdul Hakim-Ali Bakhsh ..	0 11 0	8,640	Do. ..	Do.
10	Lala Amar Nath ..	0 11 0 to 0 13 0	15,300	Wheat and Gram bhusa.	Do.
11	Jamadar Maqsood Ali Khan ..	0 14 0 (including unloading and weighing).	6,072	Karbi ..	Gurgaon.
12	Lala Banwari Lal ..	0 12 0	4,400	Do. ..	Do.
13	M. Shamshad Ali ..	0 14 0 (including unloading and weighing).	1,260	Do. ..	Do.
14	Lala Tej Ram ..	Ditto	2,780	Do. ..	Do.
15	R. B. Daulat Ram-Kanayalal	0 11 0 to 0 13 0	550,000	Bhusa and Karbi.	All Districts.
16	Ch. Natha ..	0 14 0 (including unloading and weighing).	14,700	Karbi ..	Gurgaon.
17	Messrs. Lakhmichand-Manohar Lal.	0 11 0 and 0 12 0 per maund.	6,500	Bhusa and Karbi.	Hissar.

Serial No.	Name of Contractor	Rate per maund f.o.r. destination.	Quantity in maunds.	Kind of fodder.	District in which supplied.
		Rs. A. P.			
18	Lala Radha Kishan ..	0 13 0	40,600	Karbi ..	All Districts.
19	Bhag ..	0 11 0	12,500	Bhusa ..	Hissar.
20	Lala Narinjan Nath ..	1 0 0 (on full freight).	14,500	Karbi ..	Do.
21	Lala Maman Chand ..	0 11 0	1,500	Bhusa ..	Do.
22	Chandhri Muhammad Akbar ..	0 10 6	13,500	Do. ..	Hissar and Karnal.
23	Chandhri Abdul Rahman ..	0 11 0	21,000	Do. ..	Ditto.
24	Rai Bahadur Harji Mal and Sons ..	1 0 0 1 3 0 (on full freight).	70,900	Baled bhusa.	Ditto.
25	Shaikh Ghulam Dastgir ..	0 11 0	25,000	Bhusa ..	Ditto.
26	Chandhri Jan Muhammad Khan ..	50 seers to a rupee including distribution charges.	275,139	Bhusa and Karbi.	Rohtak.
27	Subedar-Major Juglalsingh. ..	Ditto	129,075	Ditto	Do.
28	M. Amritsingh ..	Ditto	34,003	Ditto	Do.
29	Chandhri Jahangir Khan ..	Ditto	26,434	Ditto	Do.
30	Lala Harial ..	Ditto	14,505	Ditto	Do.

The above does not include the purchases made by the Fodder Adviser directly from villages nor the supplies made to the Government Cattle Farm, Hissar, and directly paid for by that office.

HEARNWAH DISTRIBUTARY IN FEROZEPUR DISTRICT.

*5068. **Captain Sodhi Harnam Singh** : Will the Honourable Minister for Revenue be pleased to state—

- when Hearnwah (a distributary of Barneswah Grey Canals Ferozepore), was constructed ;
- how much money was spent on it ;
- whether it is a fact that the money spent on it is being recovered from the irrigators of the said distributary ;
- if so, how much has been recovered in this respect
- the names of the persons who had agreed to pay the amount before its construction was taken in hand ; if so, the copies of these agreements, if any, may be placed on the table of the House ;

(f) whether this amount is being recovered from those who never gave any written guarantee in this respect and from those who agreed to pay but against whom the claim has become time-barred ; if so, why ;

(g) reasons why interest is being charged on the amount spent by Government on the construction of the said distributary ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) In 1930-31.

(b) Rs. 15,871-8-0.

(c) Yes.

(d) Rs. 10,728-4-0.

(e) In Jalsa Bachh held on the 3rd November, 1930, the irrigators of the Hearnwah Branch agreed to pay an enhanced rate of Re. 1 per Ghumaon above the usual water rate until the entire amount spent on its construction had been realized. In view of this resolution, no agreement was considered necessary.

(f) In accordance with the resolution referred to in (e) above the amount due is being recovered from the persons who irrigate their lands from the branch in question.

(g) No interest has been charged on the amount spent on the construction of the said distributary. The question, therefore, does not arise.

REPRESENTATION AGAINST NAIB-TAHSILDAR, HOSHIARPUR.

***5116. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he and the Deputy Commissioner, Hoshiarpur, have received a representation dated 10th July, 1939, from Adalat Khan and Umid Khan, Muslim zamindars of village Nanda Chaur, thana Hariana, tahsil and district Hoshiarpur, alleging maltreatment several times at the hands of the present Naib-Tahsildar, Hoshiarpur, on the 1st July, 1939 ;

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

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

(b) The District Magistrate after inquiry was satisfied that the allegations were without foundation and has ordered the prosecution of the petitioner under section 182, Indian Penal Code.

REPRESENTATION AGAINST NAIB-TAHSILDAR, HOSHIARPUR.

***5117. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he and the Deputy Commissioner, Hoshiarpur, have received a representation, dated 20th July, 1939, from Dalip Singh, a zamindar of village Kariana, thana Hariana, tahsil

[S. Hari Singh.] and district Hoshiarpur, alleging illegal arrest, confinement and maltreatment at the hands of the Naib-Tahsildar, Hoshiarpur ;

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

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) A complaint was made by Dalip Singh to the Deputy Commissioner, Hoshiarpur, against the Naib-Tahsildar. Dalip Singh had been warned by the Deputy Commissioner not to obstruct the collection of land revenue.

(b) The matter is under inquiry.

LOWER BARI DOAB CANAL.

***5131. Sardar Hari Singh :** Will the Honourable Minister of Revenue be pleased to state whether there is any proposal to build a wall on the left hand side of the Lower Bari Doab Canal between the Lahore-Mughalpura-Delhi, and Lahore-Multan railway bridges, if so, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : It is understood that Mahant Bachan Das of Chobacha Sahib Gurdwara intends to prefer an appeal to the High Court. It will, therefore, not be in the public interest to answer this question.

DEPARTMENTAL INQUIRY IN CONNECTION WITH FAMINE RELIEF WORK.

***5137. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that on a police report registered in Rohtak police station by Mubarik Ahmad, Fodder Incharge Kanungo, Mr. K. C. Chowdhry, I.C.S., Famine Relief Incharge, Rohtak held a departmental inquiry into various charges in connection with the Famine Relief Work ;

(b) the allegations made, the details of inquiry and the gist of statements given by the zamindars, agents of the contractors and the Fodder Incharge Kanungo ;

(c) the result of the inquiry and the action, if any, taken against the contractor for Rohtak, and the Assistant Famine Incharge ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) An inquiry was made by the Assistant Commissioner named, but not on the police report.

(b) and (c) The result was inconclusive, and the Commissioner has been directed to have a thorough inquiry made.

Pandit Muni Lal Kalia : What action was taken on the report of that officer—Mr. K. C. Chowdhry ?

Parliamentary Secretary : The Commissioner has been asked to make a thorough inquiry.

Pandit Muni Lal Kalia : Is Government prepared to place on the table of the House the result of that inquiry ?

Parliamentary Secretary : Government do not take action on incomplete reports, and it will serve no useful purpose to place the report on the table of the House which in the opinion of the Government is not complete and thorough.

Pandit Muni Lal Kalia : Has Government any objection to placing the report on the table of the House ?

Parliamentary Secretary : Very strong objection.

Pandit Muni Lal Kalia : What is the objection ?

Parliamentary Secretary : The objection is that the report is incomplete and is not thorough and therefore Government do not want to place on the table of the House a report which is not complete and which is not thorough.

Pandit Muni Lal Kalia : Has any material been supplied to Government to show that the report is incomplete or that the inquiry was not thorough ?

Parliamentary Secretary : Government has come to the conclusion that the report was not thorough and the inquiry was not complete.

Pandit Muni Lal Kalia : On what strength ?

Parliamentary Secretary : On the strength of the comments made on the report by the officer concerned.

Pandit Muni Lal Kalia : By the Deputy Commissioner or by any other officer ?

Parliamentary Secretary : It is not necessary to give the name of the particular officer who made the comments ; but comments were made by the officer concerned to whom that report had been passed. In view of those remarks Government thought it necessary to have further inquiries made.

Pandit Muni Lal Kalia : Is the Parliamentary Secretary aware that serious notice was taken of the allegations made in the report and the Government was asked to take action ?

Parliamentary Secretary : I have already stated that before Government take any action or before Government arrive at any definite conclusion they must satisfy themselves that the inquiry had been thorough and complete. That is why the report has been sent back to the Commissioner to make a thorough inquiry.

Pandit Muni Lal Kalia : Will any officer be taken into confidence when further inquiry is held ?

Parliamentary Secretary : I am afraid I cannot answer that question without notice as to which officer is going to be taken into confidence.

Diwan Chaman Lall : May I ask in what manner is the enquiry incomplete ?

Parliamentary Secretary : There is a certain procedure laid down for making inquiries. If I start giving details of that procedure to be followed when making enquiries I think it will not be fair to the House. I would submit that the inquiry was not complete owing to the way in which evidence was recorded and, therefore, Government thought that a further inquiry was necessary.

Pandit Bhagat Ram Sharma : May I know the code which regulates the inquiry and which lays down the procedure?

Parliamentary Secretary : The code of common sense.

Pandit Bhagat Ram Sharma : Then that part of the statement by the Parliamentary Secretary was wrong when he stated that there is a certain procedure laid down?

Parliamentary Secretary : Thanks very much for giving me that information. (*Laughter*).

**SUBORDINATES IN THE FAMINE TEST WORK, ROHTAK DISTRICT
DISMISSED OR PUNISHED OTHERWISE.**

***5171. Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names and addresses of those subordinates in the Famine Test Work in district Rohtak who have so far been dismissed or punished otherwise with the reasons for so punishing them ;
- (b) the name of the officer who held inquiry into the conduct of such officials ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Twenty-one moharrirs ; for offences implying dishonesty.

One Officer-in-charge of a test work, for misconduct ; and

One Store-keeper for insubordination.

Their addresses are not known.

(b) Assistant Commissioner, Rohtak.

**APPROVED CANDIDATES FOR APPOINTMENTS IN THE ENGLISH
BRANCH OF THE OFFICE OF THE DEPUTY COMMISSIONER,
ROHTAK.**

***5172. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number and the names of the approved candidates for appointments in the English branch of the office of the Deputy Commissioner, Rohtak, with the duration of candidature in each case ;
- (b) whether it is a fact that the names of some of these candidates are on the approved list of candidates for the last fifteen or twenty years ;
- (c) whether it is also a fact that a large number of juniors have superseded these unfortunate seniors on the list ; if so, the reasons for these supersessions and the action that the Government intend to take in this matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) No list of candidates is maintained.

(b) and (c) Do not arise.

SUPERVISOR, GREY CANALS, DISTRICT FEROZEPORE.

***5227. Captain Sodhi Harnam Singh :** Will the Honourable Minister of Revenue be pleased to state—

(a) when the post of the Supervisor last fell vacant in Grey Canals Department, District Ferozepore ;

(b) who were the candidates for this post and what were their qualifications ;

(c) who was selected for this post and the reasons for his being selected ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) In 1927.

(b) The candidates for the post of Overseer were :—

(1) Babu Kishan Chand.

(2) Babu Abdul Karim.

(c) The former was selected on account of his greater experience and seniority.

COWS IN THE GOVERNMENT CONCENTRATION CAMPS.

***5228. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

(a) total number of cows in the Government concentration camps in Hissar district ;

(b) the number of cows out of these which have been returned to the original owners ;

(c) the number of cows given away free of any charge from these camps ;

(d) the number of cows now left in the concentration camps ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) 3,008.

(b) 2,871.

(c) 292.

(d) Nil.

DEVASTATION MADE BY SOM NADI.

***5459. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether the Government is aware of the devastations made by the over-flowing of Som Nadi in Ambala district ;

(b) whether it is a fact that the said Nadi assumes alarming proportions in the rainy season and its width becomes extended over a distance of a mile and even more ;

[L. Duni Chand:]

(c) if so, the action the Government intends to take in the matter to save the area in question from the ravages of the over flow ?

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

(b) The water level no doubt rises during the rainy season but its width during that period varies from year to year according to the quantity of rainfall.

(c) Water of the Som nadi is taken by the Western Jumna Canal at Dadupur.

SALARIES OF PATWARIS.

***5460. Lala Duni Chand** : Will the Honourable Minister of Revenue be pleased to state if, since the question was mooted in this Assembly about two years ago, the Government has taken into consideration the question of the increase of the salaries of patwaris ; if so, what conclusion the Government has arrived at ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (i) No.

(ii) Does not arise.

REMISSION OF REVENUE IN JAMPUR AND SANGHAR TAHSILS.

***5569. Khan Bahadur Sardar Muhammad Hassan Khan Gurchani** : Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that with the exception of only 5 per cent of the area in the Jampur and Sanghar tahsils in Dera Ghazi Khan district, which also has been destroyed by *Tiddi*, no part of the whole of the area of land in the said district has been cultivated this year and if so, whether relief is intended to be afforded to the zamindars concerned in the form of remission of land revenue and other concessions ;

(b) whether any recommendations for the grant of relief to these zamindars have been made by the local officers ; and if not, whether it is intended to call for a report from them ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) In the Jampur tahsil cultivation is normal in all circles except Pachadh where the kharif crops have, to some extent, been damaged by insect pests. The crops are below average in the Sanghar tahsil but it is not correct to say that only 5 per cent of the area has been cultivated in the district. No question of granting special relief arises at this stage.

(b) The question of granting relief according to rules will be considered in due course after the results of the girdawari are known.

Khan Bahadur Sardar Muhammad Hassan Khan Gurchani : Have Government any information now ?

Parliamentary Secretary : It does not mean that the girdawari has not been done. The revenue papers reach Government by and by and they arrive at conclusions accordingly.

Khan Bahadur Sardar Muhammad Hassan Khan Gurchani : When will the Government arrive at a decision ?

Parliamentary Secretary : The decision will be announced as soon as possible.

ZAMINDARS IN FINANCIAL DIFFICULTIES DUE TO THE NEW ACTS.

***5570. Khan Bahadur Sardar Muhammad Hassan Khan Gurchani :** Will the Honourable Minister of Revenue be pleased to state whether he is aware of the fact that the money-lenders have ceased to advance loans to the zamindars since the introduction of legislations restricting money-lending ; and if so, whether Government intends to provide any facilities for borrowing capital for farming ; if so, when and in what form ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Government is aware that there is some dislocation in the field of economic credit ; and the development of the situation is being watched with careful consideration.

COLLECTION OF "GHA CHAREE" IN DERA GHAZI KHAN DISTRICT.

***5571. Khan Bahadur Sardar Muhammad Hassan Khan Gurchani :** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that the officers of the Dhundi Estate (District Dera Ghazi Khan) are again collecting, through contractors, "Gha Charai" in the uncultivated tracts of the said estate although orders had been issued by the Government for its stoppage ; if so, the action the Government propose to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No such orders have been issued by the Punjab Government : but the whole question is receiving attention.

Khan Bahadur Sardar Muhammad Hasan Khan Gurchani : May I know why Government so far have taken no action in the matter ?

Parliamentary Secretary : The matter is under consideration.

PONDS DUG IN HISSAR DISTRICT.

***5618. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether any ponds were dug in the Hissar district last year with a view to helping the famine-stricken people ;
- (b) if so, the names of villages where they were dug ;
- (c) the number of *kachha* roads in Hissar district which were built in famine test works ;
- (d) the names of such roads or the description of the local areas through which these roads run ?

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

(b) Paluwas, Gudha, Matani, Alampur and Patodi in the Bhiwana tahsil.

(c) Class II roads	..	..	..	11
Class III roads	..	..	..	6
Village approach roads	..	..	..	34½
				miles.

(d) A list of these roads is laid on the table.

List of unmetalled roads improved by famine labour.

Serial No.	Name of the Road.	Mileage.
1	Sirsa-Ellenabad II Class Road	28
2	Sirsa-Rania II Class Road	15
3	Bhattu-Fatehabad II Class Road	3
		Improving Sandy Tib-
		bas.
4	Fatehabad-Rattia-Tohana II Class Road	33
5	Fatehabad-Bahuna-Tohana II Class Road	34
6	Hansi-Barwala-Chamar Khara-Tohana II Class Road	46
7	Hissar-Barwala II Class Road	18
8	Sisai-Khot II Class Road	20
9	Hissar-Balsamand II Class Road	15
10	Tosham-Hansi II Class Road	15
11	Bhatol to Badchhappar II Class Road	12
12	Sirsa-Jamal III Class Road	14
13	Sirsa-Shahpur III Class Road	3
14	Tohana-Barwala Road, via Saman (III Class)	15
15	Hissar-Siwani III Class Road	20
16	Hissar-Tosham, via Ratera III Class Road	16
17	Bahuna-Rattia III Class Road	12
18	Sahuwala-Ottu village road	14
19	Odhan-Kalanwali village road	8
20	Bhattu-Khabra village road	6
21	Ayalki-Nagpur village road	12

Serial No.	Name of the Road.	Mileage.
22	Barwala to Madhlauda village road	12
23	Hansi-Masudpur-Madhlauda village road	20
24	Sisai to Mirchpur village road	10
25	Bhatla-Majod-Sisai village road	8
26	Agroha to Adampur village road	6
27	Ladwa to Jamalpur village road	6
28	Bhiwani-Khandakheri-Rajthal village road	30
29	Kharbala-Bhatol village road	7
30	Khanda Khori-Narainund village road	6
31	Singhwa-Madanheri Bass village road	7
32	Nagpur-Rattia village road	3
33	Uklana-Daulatpur village road	4
34	Uklana-Sanyana village road	3
35	Uklana-Latani village road	7
36	Madhlauda to Sandhana village road	3
37	Sisai-Kheri Gangan village road	2½
38	Chirod-Rawot Khara village road	5
39	Siswal-Adampur village road	2
40	Agroha-Bahuna village road	2
41	Khanda Khori-Jamni Khara village road	3
42	Bakhlana-Petwar village road	2
43	Sulchani-Petwar village road	2
44	Ugalan Petwar village road	6
45	Kanwari-Sultanpur-Hansi village road	10
46	Panniwala-Chautala village road	3
47	Sirsana-Banbhauri village road	4
48	Siresana-Kharak village road	2
49	Sirsana-Sotha village road	3
50	Badana-Malikpur village road	5
51	Village Approach Roads	34½
Total		578

ABIANA IN CANAL IRRIGATED AREA OF PALWAL.

***5621. Khan Sahib Khawaja Ghulam Samad :** With reference to the reply to my starred question No. 13914, dated 27th March, 1939, will the Honourable Minister of Revenue be pleased to state whether the United Provinces Government has given any further reply ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The United Provinces Government have again replied in September, 1939 that the matter is still under consideration.

DAMAGE DONE TO BUND CONSTRUCTED IN NAKTI NADI.

***5623. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

(a) the extent to which damage has been recently done to the bund constructed in Nakti Nadi flowing on the north of Sadhaura town ;

(b) the responsibility of the officers concerned and the contractor for this loss ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Some pitching has settled and some erosion of the bund and spurs has taken place.

(b) Government gave technical advice and placed the grant-in-aid at the disposal of the District Board. The work was executed by the District Board authorities and was not done properly. The matter as to how in future such work is to be carried out, will be looked into by Government.

REMISSION FOR WHEAT CROPS IN KASUR TAHSIL.

***5633. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

(a) the actual outturn of wheat per acre during the last rabi in areas affected by kungi in Kasur tahsil, district Lahore —

(i) as estimated by the Revenue Department ;

(ii) as estimated by the Canal Department ;

(b) quality of wheat produced and the price it could fetch in the market ;

(c) the estimated outturn per acre in respect of above areas on basis of which land revenue and abiana have been assessed, respectively ;

(d) whether any remission in revenue and abiana was announced in the area in question ; if so, how much and when ;

(e) whether any arrests were made and prosecutions launched for non-payment of land revenue or abiana for the last rabi crops by the cultivators in this area ; if so, how many and with what result and whether they were for non-payment of the whole of the amount of land revenue or abiana or a part of it and, if for a part of it, what part of it?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :— (a) Substantial damage by kungi was done to late sown *dest* wheat only. Its outturn has been estimated by both the canal and revenue departments at two to three maunds per acre. The early sown wheat suffered little and improved varieties when sown late gave a fair yield.

(b) The late sown wheat which suffered was of a poor quantity and fetched about half the ordinary market price.

(c)—

Assessment circle.	Outturn in seers per acre assumed at last settlement.
Majha Mitha	390
Majha Khara	430
Bet Bangar	370
Hithar	390

(d) Yes—

	AMOUNT OF REMISSION.		Month in which announced.
	In Lahore district as a whole.	In Kasur tahsil.	
	Rs.	Rs.	
Land Revenue ..	1,02,354	31,543	August, 1939.
Abiana ..	2,06,499	Remissions have been granted by canal divisions. Information by tahsils is not yet available.	October, 1939.

(e) Yes. Thirty-five arrests were made for non-payment of the entire amounts of land revenue and abiana due, which were paid by the defaulters on arrest.

MIGRATION FROM HISSAR, GURGAON AND ROHTAK DISTRICTS.

***5653. Lala Duni Chand:** Will the Honourable Minister of Revenue be pleased to state whether it is a fact that many people have migrated from the Hissar, Gurgaon and Rohtak districts, on account of famine conditions, if so, the action the Government intends to take in the matter.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): Government have no definite information about numbers, but probably some people have migrated. It is obvious that when work is not available in the home district it is right and proper that it should be sought if practicable elsewhere.

Lala Duni Chand: Is it not true that migrations from the three districts on account of famine conditions have increased the population of *khana badoshes*?

Parliamentary Secretary: Quite possibly.

Lala Duni Chand: Has Government gone into this question of migration on account of famine conditions?

Parliamentary Secretary: When Government says that there is likelihood of some people having migrated, it automatically follows that the number of wanderers must increase.

Lala Duni Chand: What I want to know is whether the attention of Government has been drawn to this problem that has arisen from famine conditions of some people having left these three districts?

Parliamentary Secretary: Government have no definite information regarding the numbers, but probably some people have left and have gone to the neighbouring districts.

ALLOTMENT OF LAND TO SMALL ZAMINDARS IN NILI BAR AND LOWER BARI DOAB COLONIES.

***5656. Khan Haibat Khan Dahi:** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that large areas of Government lands in the Nili Bar and Lower Bari Doab Colonies are being let out on temporary cultivation;

(b) whether there has been a general demand from small zamindars and cultivators for the allotment of land to them from this area;

(c) if the answer to (a) and (b) be in the affirmative, whether the Government has considered this demand; if so, with what result?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes, 3,29,812 acres in the Nili Bar Colony and 89,759 acres in the Lower Bari Doab Canal Colony.

(b) Demands of this kind have been made.

(c) *First part.*—Yes.

Second part.—During the agricultural year 1938-39, 81,714 acres Crown land has been leased out in lots of two rectangles or less for periods up to five years.

ABSENCE OF CULVERTS ON WATERCOURSES IN NILI BAR.

***5669. Khan Haibat Khan Dahi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether in Nili Bar most of the roads connecting the villages with main roads are not properly maintained and no culverts have been constructed on the watercourses crossing these roads;
- (b) whether he is aware that on account of the absence of these culverts the zamindars of the ilaqa find it very difficult and expensive to cart their agricultural produce to the market;
- (c) if answer to (a) and (b) above be in the affirmative, the action that is intended to be taken in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The village roads are not maintained by the Government.

Some two thousand culverts still remain to be constructed and the final location of these cannot be settled till the Chakbandi is revised.

(b) Carriage of materials is mostly done by camels for which purpose the culverts are not necessary.

(c) Government has under consideration a five years programme of culvert construction subject to funds being available.

ZAMINDARS OF DISTRICTS OF MULTAN, MUZAFFARGARH AND DERA GHAZI KHAN NOT USING CANAL WATER IN GROWING GRAM IN WAD WATTAR.

***5687. Khan Haibat Khan Dahi :** Will the Honourable Minister for Revenue be pleased to state whether it is a fact that in the districts of Multan, Muzaffargarh and Dera Ghazi Khan, canal water is not at all used by the zamindars in growing gram in *Wad Wattar* after harvesting paddy and that water rates are levied on gram grown in "*Wad Wattar*"; if so, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Gram sown on *Wadh Wattar* on the inundation canals is assessed to water-rates. These canals get large water allowances and water is continuously passed into rice fields with the object of retaining moisture for rabi crops and, therefore, crops sown on *Wadh Wattar* areas are assessed. This assessment is, however, being reconsidered.

RESTITUTION OF MORTGAGED LANDS.

***5763. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Revenue be pleased to state—

- (a) tahsil-wise, in how many cases in the Ludhiana district the mortgaged lands have been redeemed under the Restitution of Mortgaged Lands Act, passed recently by the Punjab Legislative

[Ch. Muhammad Hasan.]

Assembly, and how many cases of *benami* transactions have come to the notice of the Collector, and with what results ;

- (b) tahsil-wise, the number of applications so far received in connection with the above-mentioned Acts since their enforcement in the province and the number of those among them which are still pending with the reasons for the delay so far as their disposal is concerned ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) A statement is laid on the table.

(b) The information asked for is not readily available : so it is regretted that a reply cannot be given without entailing an amount of labour not commensurate with the result obtainable.

Statement showing information regarding lands redeemed in the Ludhiana district.

Tahsils.	Number of cases in which lands have been redeemed under the Punjab Restitution of Mortgaged Lands Act.	NUMBER OF CASES OF BENAMI TRANSACTIONS DISPOSED OF—			
		Received.	Accepted.	Rejected.	Pending.
Ludhiana ..	Nil	459	7	5	447
Jagraon ..	Nil	240	6	2	232
Samrala ..	Nil	103	11	7	85

Sardar Lal Singh : Does the Parliamentary Secretary mean that no other reports are received from the districts about the working of these new Acts ?

Parliamentary Secretary : I have already stated that to collect the figures tahsil-wise would entail an amount of labour not commensurate with the result obtainable.

Sardar Lal Singh : Will the Parliamentary Secretary give the information district-wise ?

Parliamentary Secretary : If my honourable friend gives notice, I will see whether that information is readily available.

Pandit Muni Lal Kalia : Is it a fact that instructions have been sent to each tahsil for inviting applications under these Acts ?

Parliamentary Secretary : No, not to my knowledge.

Pandit Muni Lal Kalia : Is it a fact that applications are being made in different tahsils by people who want to get their lands redeemed ?

Parliamentary Secretary : Applications are made to the deputy commissioner or to the special officer appointed.

Pandit Muni Lal Kalia : May I take it that there is a special officer appointed in each district to receive applications under these Acts ?

Parliamentary Secretary : No, not in all districts. But there are two districts where special officers have been appointed.

Pandit Muni Lal Kalia : Has any such officer been appointed in the Ludhiana district ?

Parliamentary Secretary : No.

Pandit Muni Lal Kalia : Are applications made in that district by people who want to get their lands redeemed ?

Parliamentary Secretary : Yes.

Pandit Muni Lal Kalia : May I know the number of applications received there after the Act came into force ?

Parliamentary Secretary : I cannot give the exact number.

Pandit Muni Lal Kalia : Is it a fact that that officer is required to keep a register where these applications are entered when they are received and there is only one such register in each district ?

Parliamentary Secretary : Very likely so. But if my honourable friend will look at part (b) of the question he will find that the information has been called for tahsil-wise and to collect the information tahsil-wise will entail a large amount of labour and time.

Sardar Lal Singh : What steps has the Government taken to popularise these new Acts and to inform the people that benami transactions can be nullified ?

Parliamentary Secretary : There are several methods which the Government have so far adopted. The first is that whenever Ministers go on tour and attend public meetings, they explain to the people the various Acts passed and also how the applications are to be filed. Secondly, the various parliamentary secretaries and private parliamentary secretaries whenever they go to their constituencies, explain to the zamindars as to how the applications are to be filed. Again the question has been discussed in all papers and in all the district papers and practically every zamindar now knows what to do and how to file applications.

Dr. Gopi Chand Bhargava : Does not the Government think that this kind of propaganda is a very costly method ?

Parliamentary Secretary : No. This is the least expensive method.

Dr. Gopi Chand Bhargava : Ministers going about ?

Parliamentary Secretary : Going about in their normal discharge of duties and incidentally explaining this most useful legislation to the people.

Pandit Muni Lal Kalia : In what way are these Acts explained in order to invite applications ?

Parliamentary Secretary : I would ask the honourable member to attend one of the meetings addressed by the Honourable Minister of Development. Then he will see the full significance of this and something more.

Sardar Lal Singh : Does the Parliamentary Secretary know that people in Ludhiana are Congress-minded and they do not care to hear the Minister of Development ?

Sardar Kapoor Singh : Has the Government issued instructions to the district officers to postpone the decision on these applications ?

Parliamentary Secretary : It is nothing but a brain-wave of my honourable friend.

Dr. Gopi Chand Bhargava : Is it through a brain-wave that these orders were issued ?

Parliamentary Secretary : No. This idea of my honourable friend.

Sardar Kapoor Singh : What is the reason that no applications have been decided in Ludhiana ?

Parliamentary Secretary : I said applications are being received in Ludhiana.

Sardar Kapoor Singh : May I know if any application has been decided ?

Parliamentary Secretary : I cannot answer that question without notice as to how many applications have been decided in each district.

REMISSIONS IN THE DISTRICTS OF JHANG, LYALLPUR, MONTGOMERY AND MULTAN.

***5790. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he is aware of the fact that in the districts of Jhang, Lyallpur, Montgomery and Multan, due to failure of monsoons, there is a great drought and there is a general complaint of failure of cotton and other crops ;

(b) if so, the nature of damage and the extent of loss to the cotton and other crops in the said districts ;

(c) whether the Government has considered or is considering the question of granting remissions in land revenue, and water rates to the said districts ; if so, how much ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The rainfall has been below normal.

(b) and (c) Steps are being taken to ascertain the extent of damage with a view to decide the question of relief.

PURCHASE OF COWS FOR CONCENTRATION CAMPS IN HISSAR DISTRICT.

***5801. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

(a) the total number of cows and calves purchased so far for concentration camps in the Hissar district and the total money spent on purchasing the cows with the dates when cows were begun to be purchased and when purchasing of the cows was stopped ;

- (b) whether any stray cows were also admitted at any time in these camps ;
- (c) whether any record showing the names and addresses of those who sold their cows has been maintained by the authorities in charge of these concentration camps ;
- (d) whether any owner of these cows, who so desired, was permitted to live with and serve his cows ; if so, the number of such owners ;
- (e) whether or not the original owners of these cows were given to understand that concentration camps were ultimately to be closed and that on the closure of these camps they would be permitted to buy their cows back if they so desired ;
- (f) whether any such proclamation has been made in the Hissar district by the authorities in charge of the Famine Relief Works, since famine conditions prevailed in the said district, that on the restoration of normal conditions cows would be distributed free ; if so, whether he will be pleased to lay a copy of that proclamation on the table of the House ;
- (g) the total number of cows sold out of these camps with the amount realised and whether any of the cows have so far been sold to any person or persons not belonging to this district ; and if so, how many and at what price per cow ;
- (h) whether any responsible Government servants or any responsible persons or relations of such Government servants have so far purchased any of these cows ; if so, how many and at what price per cow ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 3,008 cows, some of whom had calves, were purchased for Rs. 21,779.

2,854 heifers for Rs. 11,979.

The purchases were made from 5th December, 1938, to 28th December, 1938 and from 13th February, 1939, to 9th March, 1939.

- (b) Yes.
- (c) Yes.
- (d) No such desire was expressed to the district authorities.
- (e) Yes.
- (f) No.
- (g) *First part.*—2,561 cows were sold for Rs. 18,911-8-0.

Second part.—Yes. 226 at an average price of Rs. 6 per cow.

(h) Four cows were purchased by Government servants at an average price of Rs. 15-12-0 each.

Dr. Gopi Chand Bhargava : May I know the reply to (f) ? Was any proclamation issued that cows would be free ?

Parliamentary Secretary : No.

Dr. Gopi Chand Bhargava : May I know whether a *communiqué* was issued by the Director of Information Bureau or not saying that in the matter of cows which have not been claimed by anybody it was represented by the Deputy Commissioner, Hissar, that the 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. I want to know whether it is a fact or not.

Parliamentary Secretary : It is quite correct.

Dr. Gopi Chand Bhargava : Then why is the reply to part (f) "no"? My question is whether any proclamation was made or not.

Parliamentary Secretary : No proclamation was made.

Dr. Gopi Chand Bhargava : Was not this *communiqué* proclaimed in the district?

Minister for Revenue : My honourable friend asked about any proclamation and the reply is "no", but a *communiqué* has been issued by the department.

Dr. Gopi Chand Bhargava : May I know why the cows were auctioned and not given free of charge?

Minister : Those that could be sold were sold and others have been given free.

Dr. Gopi Chand Bhargava : How many were given free?

Minister : I cannot give you that reply without notice.

PATWARIS DISMISSED BY COLLECTOR OF LUDHIANA.

***5809. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of patwaris dismissed for corruption by the present Collector of Ludhiana;
- (b) the number of patwaris suspended and dismissed by the present Collector for causes other than corruption;
- (c) whether Government is aware that a meeting of the Patwaris' Union was recently held under the presidency of an M.L.A. to ventilate the grievances of their services;
- (d) if so, whether all the grievances of the patwaris about which they made representations have been redressed by the Collector or the Government, if not, why not;
- (e) whether some patwaris were suspended as they had ventured to make certain allegations against the Collector of Ludhiana;
- (f) if the reply to (c) above be in the affirmative, the nature of the allegations and whether any inquiry was made into those allegations; if so, by whom and with what result?

Parliamentary Secretary (Raja Ghazanfar Ali Khan : (a) None.

(b) Two in each case.

(c) Yes.

(d) Their representations were duly considered, and efforts were made to redress their grievances as far as possible.

(e) None.

(f) Does not arise.

IRRIGATION FACILITIES FOR VILLAGE PAKHIAN, PAKPATTAN TAHSIL.

***5815. Mian Sultan Mahmud Hotiana :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the lands in village Pakhian, tahsil Pakpattan, which are cultivated and which could be easily commanded, have been left out as uncommanded area ;

(b) whether the canal department has received a number of representations from the owners of lands in the said village for the supply of canal water ; if so, the action taken on them, if no action has been taken so far, the reasons therefor and the action Government propose to take to redress the grievances of the villagers in this connexion ?

Parliamentary Secretary Raja Ghazanfar Ali Khan : (a) No.

(b) An application was received in May, 1938, but as the area is subject to inundation from the Sutlej, no action was taken.

DAMAGE DONE IN SHEIKHUPURA DISTRICT BY THUR.

***5873. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether he received a representation in the year 1937, regarding the damage done by *Thur* in the Sheikhpura district and certain suggestions, by about 100 residents of district Sheikhpura including Raja Narendra Nath Sahib ;

(b) if so, what action has he taken or proposes to take in the matter ;

(c) what is the extent of the damage in question ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) The attention of the honourable member is invited to the answer given to Assembly question No. 5859 (starred).

(c) The extent of damage in the Sheikhpura district according to the latest *girdawari* is given below :—

1	2	3	
Area affected by <i>thur</i> .	Area affected by <i>sem</i> .	AREA FORMERLY RECORDED AS CULTIVATED BUT HAS NOW BECOME SANJAR ON ACCOUNT OF	
		<i>Thur</i> .	<i>Sem</i> .
Acres.	Acres.	Acres.	Acres.
168,391	1,970	83,110	1,447

Dr. Gopi Chand Bhargava : What does the Government propose to do to give relief to those people whose lands have been affected ?

Parliamentary Secretary : In the course of my previous reply I said that as soon as funds permit some experiments would be carried out in Gujranwala and Sheikhupura districts.

CHIEF AND SUPERINTENDING ENGINEERS IN IRRIGATION BRANCH.

***5882. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state the sanctioned number of Chief Engineers and Superintending Engineers in the Irrigation Branch of Public Works Department in 1933, 1937 and 1938, and the number of officers who actually drew as permanent or temporary increments the pay of the post of Chief Engineers and Superintending Engineers in the years stated above ?

Parliamentary Secretary Raja Ghazanfar Ali Khan :

<i>Sanctioned Cadre.</i>	1933.	1937.	1938.
Chief Engineers	3	3	3
Superintending Engineers (including Temporary Posts).	17	15	15

Number of officers who actually drew pay as Chief Engineers and Superintending Engineers as on 1st January each year :—

1933.

Chief Engineers	3 + 1 Officiating.
Superintending Engineers ..	13 + 8 Officiating and temporary.

1937.

Chief Engineers	3 + 1 Officiating.
Superintending Engineers ..	12 + 4 Officiating.

1938.

Chief Engineers	3 + 1 Officiating.
Superintending Engineers ..	10 + 6 Officiating.

NOTE.—As permanent officers were on leave other officers were appointed to officiate in their places.

NUMBER OF AGRICULTURISTS AND NON-AGRICULTURISTS IN THE IRRIGATION SECRETARIAT.

***5926. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state the present number of Superintendents, Assistants, Senior clerks and Junior clerks in the Irrigation Secretariat showing agriculturists and non-agriculturists among them separately ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :

		Present number of appointments.	Agriculturists.	Non- Agriculturists.
Superintendents	.. ..	8	1	7
Assistants	.. ..	32	7	25
Senior Clerks	.. ..	21	9	12
Junior Clerks—				
Permanent	.. ..	*43	13	23
Temporary	.. ..	32	12	20

*7 posts not yet filled up substantively.

NEW APPOINTMENTS TO BE MADE IN THE IRRIGATION SECRETARIAT, PUNJAB.

***5927. Mian Abdul Rab :** Will the Honourable Minister of Revenue be pleased to state the number of new appointments likely to be made in the year 1940-41 in the Punjab Irrigation Secretariat?

The Honourable Dr. Sir Sundar Singh Majithia : New appointments likely to be made during 1940-41 in the Irrigation Branch Secretariat—

4 Permanent.

4 Temporary.

REALIZATION OF LAND REVENUE IN HOSHIARPUR DISTRICT.

***5928. Sardar Harjhab Singh :** Will the Honourable Premier be pleased to state whether it is or it is not a fact that the Deputy Commissioner, Hoshiarpur, wrote to the Punjab Government last summer that certain persons were putting obstacles in the way of realization of land revenue?

Parliamentary Secretary (Mir Maqbool Mahmood) : In the interests of public policy Government are not prepared to disclose recommendations made to them by their subordinate officers.

SHORT NOTICE QUESTIONS AND ANSWERS.**FAMINE CONDITIONS IN HISSAR DISTRICT.**

Sardar Hari Singh : Will the Honourable Minister for Revenue be pleased to state—whether his attention has been invited to certain statements which appeared in the press only recently with regard to the famine condition in the district of Hissar; if so, action that he proposes to take in the matter?

The Honourable Dr. Sir Sundar Singh Majithia : I do not know to what statements the honourable member refers. Some statements have

[Minister for Revenue.]

appeared in the shape of press *communiqué* and those give the necessary information but if I am referred to any particular point it will receive attention. I may, however, say that Government is fully alive to the situation and has done and is doing all that is possible.

ELECTORAL ROLL, PUNJAB LEGISLATIVE ASSEMBLY.

Sardar Hari Singh : Will the Honourable Premier be pleased to state the time table for the preparation of electoral roll for the Punjab Legislative Assembly, if any, so far drawn up by the Government ?

The Honourable Major Sir Sikander Hyat-Khan : The rough programme is as follows :—

- | | |
|--|--|
| (1) Registration of names and receipt of applications. | From the 3rd week of January to the 19th April, 1940. |
| (2) Compilation of manuscript rolls, printing and first publication. | Till about the end of October, 1940. |
| (3) Claims, objections, etc. | .. Till the 3rd week of December, 1940. |
| (4) Final printing and re-publication | About the middle of February and before end of March, 1941, or early summer, 1941. |

Diwan Chaman Lall : Has the honourable member considered the possibility of the readjustment of certain constituencies ?

Premier : I am afraid that has got nothing to do with these rolls and so far as constituencies are concerned we are not authorized to change them.

Diwan Chaman Lall : What I am driving at is that in pursuance of the Delimitation Committee's Report the matter has to be reconsidered again in reference to the labour constituency. For instance, we have got the North-Western Railway constituency. The union itself is only one of the many on the system and the question arises whether the electoral rolls relating to other unions also would be prepared at this time or not. These are matters of very great urgency for my honourable friend to consider before any final rolls are prepared.

Premier : I have not been able to make myself clear to the honourable member, I am afraid. If my honourable friend would give me notice I will make enquiries but at the same time I may point out that we have got no jurisdiction to alter them. We will have to recommend to the Government of India as an Order in Council is required before amendment of the constituencies is possible.

Diwan Chaman Lall : I quite agree with my honourable friend. But I am drawing his attention to this that for instance there are two labour constituencies which are non-union labour and it is possible that according to the recommendations of the Delimitation Committee they may not be considered as unions. That is a matter to be considered before any final step is taken in the preparation of these rolls.

Mian Abdul Aziz : In view of the fact that certain new areas have been added to the Lahore Municipality, will the Honourable Premier please say what he has done with regard to the Outer Lahore Muslim constituency ?

Premier : The boundaries of the constituency have been readjusted or will be readjusted.

Mian Abdul Aziz : Have any steps been taken for readjustment ?

Premier : Yes.

Diwan Chaman Lall : Why could not the Labour constituency also have been readjusted in the same manner ?

Premier : This question of the Lahore Muslim constituency arose sometime ago and naturally we had to refer the matter to the Government of India and so far as I can recollect some reference has been made.

Mian Abdul Aziz : Will the question of the readjustment of the Lahore Outer Muslim Constituency be placed before the House ? If not, why not ?

Premier : No.

Diwan Chaman Lall : If a representation is sent to the Honourable Premier to be forwarded to proper authorities, will it receive his careful attention ?

Mr. Speaker : That question is hypothetical.

Dr. Gopi Chand Bhargava : The present area of the Lahore, General, Urban Constituency is 94 square miles. May I ask as to whether it is still going to be extended ?

Premier : I may assure my honourable friend that the recent extension of the boundaries is not going to make much increase in the number of votes in that constituency, and so the honourable member need not worry on that score.

Mian Abdul Aziz : The Honourable Premier has been pleased to remark that the matter regarding the Outer Lahore Muslim constituency is under the consideration of the Government. May I ask as to whether this constituency has been extended or is going to be extended ?

Premier : I meant to say that the matter has been referred to the Central Government. In fact it is not within the jurisdiction of the Punjab Government to alter the boundaries of any constituency. Anyway, I am sure the new boundaries will not materially effect the present position.

Mian Abdul Aziz : As it is apprehended that there would be a clash between the boundaries of the constituencies of the Lahore Tahsil and the Lahore Outer Muslim, will it not be advisable to give opportunity to the electorate to raise objections to the arrangements that are going to be made ?

Premier : My honourable friend may rest assured that no such clash is apprehended. The area in question will be taken out of the Lahore Tahsil Muslim constituency and included in the Outer Lahore Muslim constituency.

Mian Abdul Aziz : May I ask as to whether the Lahore Tahsil Muslim constituency is being curtailed simply because it contains a large number of Arain votes ?

Premier : Rather the new arrangements would save the Arain votes from being divided into two parts.

Mian Abdul Aziz : Is it a fact that in the Lahore Tahsil Muslim constituency the Arain votes are in a large number and that the new arrangements seek to decrease their strength in that area ?

Premier : But these arrangements would at the same time increase the number of Arain votes in the Lahore Outer Muslim constituency.

Mian Abdul Aziz : The Honourable Premier need not worry about them. Their number is already sufficiently large in that constituency.

Premier : Then the new arrangements would further increase their number.

UNSTARRED QUESTIONS AND ANSWERS.

GIRL SCHOOLS IN HISSAR DISTRICT.

1017. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Education be pleased to state the number separately of girls schools at present maintained by the Hissar District Board in which instruction to the students is given either in Urdu or in Hindi ; the names of the villages where these schools are located and also the name of the community predominating in each of these villages ?

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

Schools maintained by Hissar District Board.

Serial No.	Name of village where the school is located.	Instruction given to students in Hindi or Urdu.	Community predominating.
1	Ellanabad	Hindi ..	Hindu.
2	Pabra	Do. ..	Do.
3	Bhattu Kalan	Do. ..	Do.
4	Badopal	Do. ..	Do.
5	Mirchpur	Do. ..	Do.
6	Narnaund	Do. ..	Do.
7	Sisai	Do. ..	Do.
8	Nalwa	Do. ..	Do.
9	Tigrana	Do. ..	Do.

Serial No.	Name of village where the school is located.	Instruction given to students in Hindi or Urdu.	Community predominating.
10	Tosham	Hindi ..	Muhammadian.
11	Dinod	Do. ..	Hinda
12	Bapora	Do. ..	Do.
13	Barwa	Do. ..	Do.
14	Bamla	Do. ..	Do.
15	Balsmand	Do. ..	Do.
16	Burak	Do. ..	Do.
17	Kharya	Do. ..	Do.
18	Talwandi Rurka	Do. ..	Do.
19	Satrod Khurd	Do. ..	Do.
20	Adampur	Do. ..	Do.
21	Bori	Do. ..	Sikhs.
22	Landhari	Do. ..	Hindu.
23	Uklana Maudi	Do. ..	Muhammadian.
24	Petwar	Do. ..	Hindu.
25	Umra	Do. ..	Do.
26	Kairu	Do. ..	Do.
27	Barwala Hindi	Do. ..	Muhammadian.
28	Barwala Urdu	Urdu ..	Do.
29	Sewani	Do. ..	Do.
30	Bawani Khara	Do. ..	Hindu.

**COMMUNAL REPRESENTATION AMONG TEACHERS IN GIRLS SCHOOLS
IN HISSAR DISTRICT.**

1018. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Education be pleased to state—

- (a) the number of girls schools at present maintained by the Bhiwani Municipal Committee and the number of teachers community-wise employed in them ;
- (b) whether it is a fact that the Muslims are not adequately represented among these teachers ; if so, the action intended to be taken in the matter ;

[K. S. Ch. Sahib Dad Khan.]

- (c) whether there exists any arrangement in these schools to give instructions to the students especially to the Muslim girls in Urdu and, if not, the action that he proposes to take in the matter?

The Honourable Mian Abdul Haye : It is regretted that the answer to the question is not ready.

INDUSTRIAL SCHOOL AT HISSAR.

1019. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Development be pleased to state—

- (a) whether there is any Industrial school at Hissar, if so, the number at present of the teachers and of the scholars community-wise in the said school?

The Honourable Chaudhri Sir Chhotu Ram : There is one Government Industrial School at Hissar. The number of teachers and scholars in the school community-wise is shown in the attached statement :—

Statement.

TEACHERS.

Hindus	..	..	..	..	4
Muslims	..	..	..	..	1
Sikhs	..	..	..	..	1
				Total	6

SCHOLARS.

Hindus	..	..	..	..	16
Muslims	..	..	..	..	3
Christians	..	..	..	..	1
Scheduled Castes	..	..	..	..	1
				Total	21

RECRUITMENT COMMUNITY-WISE OF EXTRA ASSISTANT COMMISSIONERS, TAHSILDARS AND NAIB-TAHSILDARS FROM AMBALA DIVISION.

1020. Lala Duni Chand : Will the Honourable Premier be pleased to state—

- (a) the number community-wise of Tahsildars, Naib-Tahsildars and Extra Assistant Commissioners recruited so far from Ambala Division since 1st April, 1937, by nomination ;
 (b) the communities and castes to which each of them belongs?

The Honourable Major Sir Sikander Hyat-Khan : (a) and (b) A statement containing the information required is laid on the table:—

Statement.

	Hindus.	Muslims.	Sikhs.	Caste.
Extra Assistant Commissioners.	5	3	1	2 Hindu Jats. 1 Hindu Gaur Brahmin. 1 Hindu Jain. 1 Hindu Brahmin. 1 Muslim Ansari. 1 Muslim Qureshi. 1 Muslim Rajput. 1 Sikh Jat.
Tahsildars ..	..	..	..	..
Naib-Tahsildars ..	5	2	1	2 Hindu Jats. 1 Hindu Rajput. 1 Hindu Vahh Aggarwal. 1 Hindu Brahmin. 1 Muslim Sayed. 1 Muslim Qureshi. 1 Sikh Jat.

SUB-REGISTRAR RUPAR.

1021. Pir Akbar Ali : Will the Honourable Minister of Public Works be pleased to state—

- whether he is aware of the fact that ever since the creation of the post of Sub-Registrar for Rupar, the said post has never been filled by a Muslim ;
- whether he is also aware that the case for the appointment of the Sub-Registrar for Rupar has been pending for the last 9 months with the authorities and that some Muslims have applied for this post ;
- if the answer to above be in the affirmative, whether the Government is prepared to consider the claims of a suitable Muslim candidate ; if not, why not ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) The post has once been held by a Muslim.

(b) Yes.

(c) The claims of all candidates will be considered by Government.

COMMUNAL REPRESENTATION IN THE ESTABLISHMENT OF THE OFFICE OF DIRECTOR, PUBLIC HEALTH.

1022. Dr. Sant Ram Seth : Will the Honourable Minister of Education be pleased to state the number of clerks in the office of the Director, Public Health, Punjab, community-wise, with their academic qualifications and respective salaries and allowances, if any ?

The Honourable Mian Abdul Haye : A statement giving the required information is laid on the table:—

Sanctioned appointments.		Muzains.				Hindos.				Sikhs.			
		Number.	Qualifica- tions.	Pay.	Allowances.	Number.	Qualifica- tions.	Pay.	Allowances.	Number.	Qualifica- tions.	Pay.	Allowances.
Superintendent	1	1	B.A.	Rs. 300 0 0	Rs.	2	(1 Non-Matric 1 Matric)	270 0 0	Rs.	2	..	..	Rs.
Head Assistants	2	..	..	..	..	..	..	..	..	..	..	180	..
Senior Assistants	3	1	Matric	180 0 0	..	1	Matric	170 0 0	..	1	Matric	..	..
Stenographer	1	..	(1 B.A.)	90 0 0	..	1	Matric	128 0 0	..	..	..	125	..
Assistants	11	9	(1 Non-Matric) (7 Matric)	100 0 0	..	1	Matric	85 0 0	3*	..	Matric	..	..
			(3)	125 0 0	..								
			(1)	110 0 0	..								
			(1)	90 0 0	3*								
			(1)	85 0 0	3*								
			(1)	80 0 0	3*								
Clerks	16	9	(3 B.A.)	64 0 0	3*	7	(1 B.A.) (1 F.A.) (5 Matric)	62 0 0 36 8 0 (each)	3* 3* 3*	..	..	..	..
			(1)	64 0 0	3*								
			(1)	38 0 0	3*								
			(2 F.A.)	62 0 0	3*								
			(3 Matric)	38 0 0	Nil.								
			(1)	68 0 0	3*								
			(2)	38 0 0	3*								
			(1 Post Matric)	36 8 0	(each)								
					3*								
Total	34	20	..	..	..	12	..	..	..	2	..	..	..

*Conveyance Allowance.

OFFICE OF INSPECTOR-GENERAL, CIVIL HOSPITALS.

1023. Dr. Sant Ram Seth : Will the Honourable Minister of Education be pleased to state the number of Head Assistants and Assistants in the office of Inspector-General of Civil Hospitals, Punjab, community-wise, with their names, qualifications and salaries?

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

Statement showing the number of Head Assistants and Assistants in the office of the Inspector-General of Civil Hospitals, Punjab, community-wise with their names, qualifications and salaries.

Community.	Name.	Qualification.	Salary.
			Rs.
5 HEAD ASSISTANTS (2 MUSLIMS, 2 HINDUS AND 1 EUROPEAN).			
Muslim	.. M. Abuzafer Ali ..	Matric	350
Do.	.. Khawaja Nazir Ahmad ..	B.A., LL.B. (Punjab University)	190
Hindu	.. Pandit Ganpat Ram ..	Non-Matric (A. V. M. Examination), Punjab University.	350
Do.	.. Lala Diwan Chand ..	Matric	320
European	.. Mr. C. W. Asquith ..	High School Examination of the Punjab Education Department.	350
5 ASSISTANTS—A—DIVISION (1 MUSLIM, AND 4 HINDUS).			
Muslim	.. M. Haji Ahmad ..	Intermediate Examination and High Proficiency in Urdu.	250
Hindu	.. Lala Kesho Ram ..	Matric	250
Do.	.. Lala Kundan Lal ..	Clerical and Commercial Examination (Punjab University).	220
Do.	.. Lala Indar Nath ..	Matric	193
Do.	.. Lala Maya Ram Nanda ..	Matric	164
9 ASSISTANTS—B DIVISION SENIOR GRADE (4 MUSLIMS, 4 HINDUS AND 1 SIKH).			
Muslim	.. M. Muhammad Hussain ..	Non-Matric (A. V. M. Examination), Punjab University.	150 (plus Rs. 30 special pay).
Do.	.. M. Abdul Aziz ..	Matric	130

Community.	Name.	Qualification.	Salary.
			Rs.

9 ASSISTANTS—B DIVISION SENIOR GRADE (4 MUSLIMS, 4 HINDUS
AND 1 SIKH)—*concl'd.*

Muslim	..	S. Haider Shah ..	Intermediate Examination, High Proficiency in Persian and Proficiency in Urdu Examination.	130
Do.	..	M. Muhammad Abdul Majid ..	Intermediate Examination, Honours in Urdu Examination.	130
Hindu	..	B. Moti Ram ..	Non-Matric (A. V. M. Examination), Punjab University.	150
Do.	..	Lala Des Raj Vasei ..	Matric	130
Hindu	..	Lala Ram Chand Khanna ..	Intermediate Examination ..	115
Do.	..	Lala Bharat Parkash ..	S. L. C. Examination ..	110
Sikh	..	S. Bakhshish Singh ..	Intermediate Examination ..	150

9 ASSISTANTS—B DIVISION—JUNIOR GRADE (4 MUSLIMS, 4 HINDUS
AND 1 SIKH).

Muslim	..	S. Irshad Ali ..	Matric	82
Do.	..	Chaudhri Muhammad Sharif ..	S. L. C. Examination ..	76
Do.	..	Shaikh Siraj-ul-Haq ..	Matric	73
Do.	..	Chaudhri Inayat Ullah ..	Do.	73
Hindu	..	Lala Naubat Rai ..	Do.	82
Do.	..	Lala Pyare Lal ..	Do.	82
Do.	..	Lala Dev Raj ..	Do.	79
Do.	..	Lala Panna Lal ..	Do.	73
Sikh	..	B. Vasdev Singh ..	Intermediate and Honours in Punjabi Examination.	76

5 ASSISTANTS ON REVISED SCALE RS. 35—2½—60/2½—85 (4 MUSLIMS
AND 1 HINDU).

			Rs. A. P.
Muslim	..	Chaudhri Iftikhar Mehdi ..	B.A. (Aligarh) .. 52 8 0
Do.	..	M. Abdul Hamid ..	B.Sc. (Punjab University) .. 42 8 0
Do.	..	M. Hamid-ur-Rahman ..	B.A. (Punjab University) .. 45 0 0
Do.	..	M. Naseer Ahmad Khan ..	B.A. (Punjab University) .. 40 8 0
Hindus	..	Pt. Ram Lal ..	Intermediate .. 42 8 0

GOVERNMENT HIGH SCHOOL, AMRITSAR.

1024. Dr. Sant Ram Seth : Will the Honourable Minister of Education be pleased to state—

(a) the number of students admitted into the 5th class in the Government High School, Amritsar, in 1937, 1938 and 1939, community-wise, and the number of sections in the class in each year ;

(b) the number of sections in the 6th, 7th and 8th classes in 1937, 1938, and 1939 and the number of students in them, community-wise ?

The Honourable Mian Abdul Haya :

(a) Number of students admitted into the 5th class (community wise) during :—

		<i>Hindus.</i>	<i>Muslims.</i>	<i>Sikhs.</i>	<i>Others.</i>	<i>Total.</i>
1937-38	..	18	73	22	4	117
1938-39	..	15	59	18	Nil	92
1939-40	..	7	74	14	Nil	95

There were two sections of the 5th class in each of the above-mentioned years.

(b) Number of students in the 6th, 7th and 8th classes (community-wise) during the years 1937, 1938 and 1939 :—

—			<i>Hindus.</i>	<i>Muslims.</i>	<i>Sikhs.</i>	<i>Others.</i>	<i>Total.</i>
1937-38.							
VI	..	..	25	39	16	2	82
VII	..	..	30	41	20	2	93
VIII	..	..	34	42	23	1	100
1938-39.							
VI	..	..	17	51	14	4	86
VII	..	..	21	39	16	3	79
VIII	..	..	29	49	20	2	99
1939-40.							
VI	..	..	11	46	13	1	71
VII	..	..	14	43	16	1	74
VIII	..	..	20	37	10	3	69

Number of sections in each class (6th, 7th and 8th) during :—

			VI.	VII.	VIII.
1937-38	..	..	Two	Three	Three.
1938-39	..	..	Three	Two	Three.
1939-40	..	..	Two	Two	Two.

INSPECTORS OF SCHOOLS.

1025. Dr. Sant Ram Seth : Will the Honourable Minister for Education be pleased to state—

(a) the names of Inspectors and Deputy Inspectors of Schools in the Education Department of the Punjab ;

(b) their respective qualifications and salaries ?

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

Statement giving the names, qualifications and salaries of Inspectors and Deputy Inspectors of Schools in the Punjab.

Designation.	Name.	Qualification.	Salary. Rs.
Inspector of Schools, Lahore	Mr. S. M. Sharif ..	M.A. (Cantab.), Bar.-at-Law.	680
Inspector of Schools, Rawalpindi.	Shaikh Muhammad Zohur-ud-Din.	B.A.	800
Inspector of Schools, Jullundur.	S. Deva Singh ..	M.A. ..	950
Inspector of Schools, Multan	Dr. Kahn Chand Khanna..	M.A., Ph.D. (London), F.R. Hist. S. (London), M.R.A.S.	680
Inspector of Schools, Ambala	Rana Abdul Hamid ..	M.A.	880
Deputy Inspector of Schools, Lahore.	Shaikh Safdar Ali ..	B.A., B.T. ..	600
Ditto	Bawa Barkat Singh ..	B.A.	575
Deputy Inspector of Schools, Rawalpindi.	M. Mahmud Hasan ..	B.A., B.T. ..	575
Ditto	Dr. Tirlochan Singh ..	B.A. (Pb.), M.Sc. (London), Ph.D. (Economics), Bar.-at-Law.	575
Deputy Inspector of Schools, Jullundur.	Lala Lal Chand Nayyar ..	M.Sc., B.T. ..	600
Ditto	S. Bikram Singh ..	B.A., B.T. ..	575
Deputy Inspector of Schools, Multan.	Malik Muhammad Hussain	M.A., B.T., Munshi Fazil, M.O.L.	600
Ditto	Lala Harish Chandra Bali	M.A. (Pb.), M.A. (Delhi)	500
Deputy Inspector of Schools, Jullundur.	M. Sadru-d-Din ..	B.A., B.T. ..	525
Ditto	Shaikh Ghulam Hussain ..	B.A., B.T. ..	475

**MURDERS AND DACOITIES IN ROHTAK, GURGAON, HISSAR
AND KARNAL DISTRICTS.**

1026. Chaudhri Sahib Ram: Will the Honourable Minister of Public Works be pleased to state—

- (a) the number separately of murders, dacoities and other serious offences committed in 1937, 1938, 1939 district-wise in Rohtak, Gurgaon, Hissar and Karnal ;
- (b) district-wise the number of absconders in 1937, 1938 and 1939 separately ;
- (c) the number of offenders arrested, challaned and convicted and the number of appeals preferred against these convictions and the orders passed by the appellate courts on each such appeal ;
- (d) whether he will also be pleased to give a comparative statement relating to each of these matters for the years 1934, 1935 and 1936 ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : A statement is laid on the table :—

I.—ROHTAK DISTRICT.

(a)	NUMBER OF CASES REPORTED IN					
	1934.	1935.	1936.	1937.	1938.	1939.
Murders	21	32	22	38	35	49
Dacoities	5	3	..	2	7	12
Robberies	32	19	28	20	25	47
Culpable homicide	17	19	17	20	15	15

(b)	1934.	1935.	1936.	1937.	1938.	1939.
Total number of absconders in all cases—						
(i) Wanted by district ..	56	71	79	138	186	239
(ii) Residents of the district* ..	48	61	68	118	162	213
Total number of absconders (including proclaimed offenders) in murder, dacoity, robbery and culpable homicide cases registered in the district—						
(i) Wanted by district ..	15	19	19	30	51	91
(ii) Residents of the district* ..	13	15	16	26	45	86

*The figures given against this side-head represent a sub-classification of those under (i), they are not to be added to those given at (i).

I.—ROHTAK DISTRICT—*concd.*

(c)	OFFENDERS IN MURDER, DACOITY, ROBBERY AND CUL- PABLE HOMICIDE CASES.			Appeals preferred against these convictions, with results.
	Arrest- ed.	Sent for trial.	Con- victed.	
1934	140	140	51	51 appeals preferred. 3 accepted and 48 rejected.
1935	128	117	57	57 appeals preferred. 8 accepted and 49 rejected.
1936	101	101	44	44 appeals preferred. 6 accepted and 38 rejected.
1937	168	161	56	56 appeals preferred. 25 accepted and 31 rejected.
1938	202	163	45	45 appeals preferred. 22 accepted and 23 rejected.
1939	224	213	43	43 appeals preferred. 11 accepted and 27 rejected. Result of 5 appeals preferred in the High Court not yet received.

II.—GURGAON DISTRICT.

(a)	NUMBER OF CASES REPORTED IN					
	1934.	1935.	1936.	1937.	1938.	1939.
Murders	18	12	16	16	14	20
Dacoities	2	3	5	3	5	11
Robberies	33	34	20	26	30	32
Culpable homicide	7	11	9	7	6	7

II.—GURGAON DISTRICT—*contd.*

(b)	NUMBER OF CASES REPORTED IN					
	1934.	1935.	1936.	1937.	1938.	1939.
Total number of absconders in all cases—						
(i) Wanted by district ..	155	155	119	99	89	79
(ii) Residents of the district* ..	125	122	89	77	68	66
Total number of absconders (including proclaimed offenders) in murder, dacoity, robbery and culpable homicide cases registered in the district—						
(i) Wanted by district ..	1	..	1	1	1	..
(ii) Residents of the district* ..	1	..	1	..	1	..

(c)	OFFENDERS IN MURDER, DACOITY, ROBBERY AND CULPABLE HOMICIDE CASES.			Appeals preferred against these convictions, with results.
	Arrested.	Sent for trial.	Convicted.	
1934	77	83	35	4 appeals preferred. 4 rejected.
1935	47	56	27	Appeals not preferred.
1936	70	60	33	28 appeals preferred. 6 accepted and 20 rejected.
1937	55	62	39	35 appeals preferred. 7 accepted and 28 rejected.
1938	77	50	23	16 appeals preferred. 16 rejected.
1939	204	104	52	52 appeals preferred. 12 rejected and 40 pending in court.

*The figures given against this side-head represent a sub-classification of those under (i), they are not to be added to those given at (i).

III.—HISSAR DISTRICT.

(a)	NUMBER OF CASES REPORTED IN					
	1934.	1935.	1936.	1937.	1938.	1939.
Murders	25	29	41	45	54	52
Dacoities	12	7	8	8	24	19
Robberies	75	57	66	63	78	97
Culpable homicide	12	20	23	20	26	14

(b)	1934.	1935.	1936.	1937.	1938.	1939.
Total number of absconders in all cases—						
(i) Wanted by district ..	244	253	189	311	257	354
(ii) Residents of the district*	213	196	167	273	218	298
Total number of absconders (including proclaimed offenders) in murder, dacoity, robbery and culpable homicide cases registered in the district—						
(i) Wanted by district ..	27	25	32	72	92	105
(ii) Residents of the district* ..	23	21	26	64	77	92

(c)	OFFENDERS IN MURDER, DACOITY, ROBBERY AND CULPABLE HOMICIDE CASES.			Appeals preferred against these convictions, with results.
	Arrested.	Sent for trial.	Convicted.	
1934	225	204	88	55 appeals preferred. 15 accepted and 40 rejected.
1935	174	154	80	60 appeals preferred. 28 accepted and 32 rejected.
1936	255	222	108	80 appeals preferred. 28 accepted and 52 rejected.
1937	273	242	95	68 appeals preferred. 28 accepted and 40 rejected.
1938	400	349	119	82 appeals preferred. 41 accepted and 41 rejected.
1939	382	280	96	50 appeals preferred. 14 accepted and 36 rejected.

*The figures given against this side-head represent a sub-classification of those under (i) ; they are not to be added to those given at (i).

IV.—KARNAL DISTRICT.

(a)	NUMBER OF CASES REPORTED IN					
	1934.	1935.	1936.	1937.	1938.	1939.
Murders	21	19	21	20	23	31
Dacoities	6	4	7	15	11	16
Robberies	47	32	42	57	78	75
Culpable homicide	11	19	11	21	13	10

(b)	1934.	1935.	1936.	1937.	1938.	1939.
Total number of absconders in all cases—						
(i) Wanted by district ..	115	86	118	108	88	93
(ii) Residents of the district* ..	79	61	60	60	44	22
Total number of absconders (including proclaimed offenders) in murder, dacoity, robbery and culpable homicide cases registered in the district—						
(i) Wanted by district ..	2	3	6	7	7	16
(ii) Residents of the district* ..	..	..	..	..	2	6

(a)	OFFENDERS IN MURDER, DACOITY, ROBBERY AND CULPABLE HOMICIDE CASES.			Appeal preferred against these convictions, with results.
	Arrested.	Sent for trial.	Convicted.	
1934	215	175	82	64 appeals preferred.
1935	143	106	33	25 accepted and 39 rejected.
1936	189	121	70	31 appeals preferred.
1937	234	200	91	5 accepted and 26 rejected.
1938	241	216	73	57 appeals preferred.
1939	248	181	72	14 accepted and 43 rejected.
				32 appeals preferred.
				21 accepted and 11 rejected.
				17 appeals preferred.
				11 accepted and 6 rejected.
				28 appeals preferred.
				15 accepted and 13 rejected.

*The figures given against side-head represent a sub-classification of those under (i): they are not to be added to those given at (i).

**ARRESTS OF DACOITS COMMITTING MURDER AND DACOITY IN VILLAGE
HATHUR IN LUDHIANA DISTRICT.**

1027. Chaudhri Muhammad Hasan : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that the dacoits who committed murder and dacoity on 17th December, 1939, at village Hathur in the Ludhiana district have not been traced so far ;
- (b) whether it is also a fact that one Ali Muhammad, foot constable of Bahadar police station, in Patiala State, made a detailed statement to the Superintendent of Police, Ludhiana, at the time of his recent visit to Hathur incorporating information as to the whereabouts of the dacoits still at large ;
- (c) whether it is further a fact that the said Superintendent of Police was also informed that one of the dacoits had been admitted, after the occurrence, to Hathur dispensary ;
- (d) if the answer to the above be in the affirmative, the steps that have been taken so far by the Superintendent of Police, Ludhiana, to bring about the arrest of these dacoits ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : (a) They have not so far been arrested.

(b) No.

(c) No.

(d) Does not arise. It may, however, interest the honourable member to know that the dacoits are believed to belong to the gang of Kunda Singh—an escaped convict from the Malerkotla jail. This gang is wanted in the Ludhiana, Ferozepore and Ambala districts.

I may add that a special body of police, under a selected Superintendent of Police has now been formed to deal with the gangs of dacoits operating in the south-eastern districts.

**PUNITIVE POLICE POSTS IN VILLAGE BHUCHAR AND OTHER VILLAGES
IN TEHSIL TARN TARAN.**

1028. Sardar Sohan Singh Josh : Will the Honourable Premier be pleased to state the number of punitive police posts quartered in village Bhuchar and a few other villages in tahsil Tarn Taran, district Amritsar and the reasons for quartering these posts ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : The only additional police post at present in existence in the Tarn Taran tahsil is one located in an area comprising the three villages of Rasulpur, Buchar Kalan and Buchar Khurd. The establishment of this post was necessitated by the factious conduct of the inhabitants, which had led to no less than seven murders during the previous five years as well as lesser crimes.

PERSONAL EXPLANATION.

Re LOAN BY UNITED PROVINCES GOVERNMENT.

Diwan Chaman Lall : Mr. Speaker, before you call on the Honourable Premier to move his motion on the agenda I should like to seek your indulgence to offer a word of personal explanation. On the 2nd February the Honourable Minister for Development during his speech referred to the fact that a Congress Ministry had asked for loan which was not fully subscribed. I then and there challenged him to name the particular Congress Ministry. He apparently turned to the Honourable Finance Minister and taking his advice named the United Provinces Ministry. I hold in my hand a letter from the ex-Premier of the United Provinces Government addressed to the Leader of the Opposition in which he states that no loan last year was ever raised by the United Provinces Government.

Minister for Development : That is perfectly true. They had not the courage to go to the loan market.

Diwan Chaman Lall : My honourable friend is now changing his position.

Mr. Speaker : I cannot allow discussion.

Diwan Chaman Lall : I say that that statement of the Honourable Minister was absolutely incorrect. The only occasion when the United Provinces Government raised a loan was in company with my honourable friend on exactly the same terms.

Mr. Speaker : I cannot allow the honourable member to make a speech.

Premier : Since this matter has been referred to I may make the position quite clear. It may interest the House to know that in the first year loans were not arranged by the provincial Governments separately. As a matter of fact the programme was arranged by the Reserve Bank of India. All the provinces that wanted money had to address the Reserve Bank and then the Bank arranged the loan programme. During the first year we came in last because they thought that the need of the other provinces was greater than ours. Anyhow we are a small province and so the bigger provinces of Madras and the United Provinces came in first and the Punjab came last. In spite of that we got our loans on the same terms as the other Governments. Last year other Governments wanted to float loans, the United Provinces being one of them. But only two loans were floated, one by the Madras Government of which 50 per cent was underwritten and the other by our Government. Though our loan was floated later it was very heavily subscribed. I believe I am not revealing a secret and if I do I am sorry for it, but I believe the United Provinces Government was advised that if they went to the loan market they would not be able to raise the loan. Therefore, their loan scheme was dropped, and they did not go to the loan market.

(Diwan Chaman Lall rose to speak.)

Mr. Speaker : Order please. According to Parliamentary practice the honourable member has absolutely no right to stand up and contradict a statement of the Honourable Minister made in April, 1939.

Diwan Chaman Lall : The statement was made on the 2nd of February last and not in April, 1939.

Mr. Speaker : That may be correct. Yet, I would like to know whether there is any rule, practice or precedent which justifies the honourable member to stand up and contradict the statement of another honourable member made some days ago.

Diwan Chaman Lall : Under Rule 39 any member may with the permission of the Speaker make a personal explanation although there is no question before the House.

Mr. Speaker : But the honourable member is not making a personal explanation. He is contradicting certain facts said to have been stated by the Honourable Minister.

Diwan Chaman Lall : If you will have a little patience I shall show that what I am saying is a personal explanation. The other day when the Honourable Minister was confronted by Pandit Bhagat Ram Sharma with the question 'May I know which Government has not raised loans?' he turned to me and said in reply to that question 'Please ask Diwan Chaman Lall' Then followed the following discussion :—

DIWAN CHAMAN LALL : Since an appeal has been made to me let me assure my honourable friend that I do not know the name of any Congress Government which has not been able to raise a loan.

MINISTER FOR DEVELOPMENT : United Province Government has not been able to raise a loan.

DIWAN CHAMAN LALL : When?

MINISTER FOR DEVELOPMENT : Recently. My honourable friend perhaps does not know.

DIWAN CHAMAN LALL : Impossible.

Mr. Speaker : The honourable member is not in order in making a speech as he is doing.

Diwan Chaman Lall : When I have been referred to by the Honourable Minister in regard to a particular question put to him and when he makes a statement which is not correct, when am I to correct that statement?

Mr. Speaker : No honourable member can contradict a statement said to have been made by another member some days ago. If an honourable member states wrong figures or facts, another honourable member may get up and correct him either immediately, if the speaking member gives way, or after he has finished his speech. In the present case there is no question of personal explanation. So, the honourable member should not have got up and made a speech as he has done.

Diwan Chaman Lall : You will realize that this is a very important personal explanation. I was waiting for a letter from the ex-Premier of the United Provinces, and unless I get it in my hand, how can I contradict the Premier?

Mr. Speaker : The confirmation or contradiction of a statement made by an honourable member, is quite different from a personal explanation.

Diwan Chaman Lall : May I bring to your notice the word "impossible", uttered by the Premier on the floor of this House. The House should not be misled by the wrong statement made by the Premier.

Mr. Speaker : No personal explanation was called for. I did not understand the honourable member, otherwise, I would not have allowed him to say what he has said.

Diwan Chaman Lall : May I ask your indulgence to call your attention to the other statement which the Premier has made just now. The United Provinces Government never—

Mr. Speaker : Order, order.

Diwan Chaman Lall : The statement made by the Premier was incorrect.

Premier : Sir, I will only say this—

Mr. Speaker : Order. Order.

Premier : Sir, what I wanted to say at the present moment is—

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Dr. Gopi Chand Bhargava : Under the rules no correction can be made to a statement after so many days ; but may I know if a statement made to-day can be corrected by us ?

Mr. Speaker : If an honourable member makes an incorrect statement, when he sits down another speaker may stand up and correct the statement.

Dr. Gopi Chand Bhargava : Sir, ordinarily the rules—

Mr. Speaker : The whole discussion is irregular.

MEETING ON WEDNESDAY, 21ST FEBRUARY, 1940.

Premier : Sir, I beg to move—

That the Assembly shall meet on Wednesday, the 21st February, 1940, at 12 noon, and that the Speaker shall adjourn the Assembly without question put at 4.30 P.M., on that day.

Mian Abdul Aziz : I want to bring one thing to your notice, Sir. The time is going to be fixed as 12 noon. This is contrary to rules that have been passed by this House. This is a most inconvenient time. You will also see that the honourable members will not be able to say their *Zohar* prayer. The time should be extended to 1 o'clock, if not 2 o'clock.

Premier : We settled the question of time long ago ; but this motion refers to an additional day, that is Wednesday, which is an off day.

Mr. Speaker : The motion moved is—

That the Assembly shall meet on Wednesday, the 21st February, 1940, at 12 noon and that the Speaker shall adjourn the Assembly without question put at 4-30 P.M. on that day.

The motion was carried.

ADJOURNMENT.

Premier : Sir, I beg to move—

That this Assembly at its rising this day be adjourned till Wednesday, the 21st February, 1940.

The motion was carried.

MOTOR VEHICLES TAXATION (AMENDMENT) BILL.

Minister for Public Works (The Honourable Major Malik Khizar Hayat Khan Tiwana) : Sir, I beg to move —

That the Punjab Motor Vehicles Taxation (Amendment) Bill be taken into consideration at once.

Sir, as you would remember this motion was postponed last time for want of proper notice. So, I would at this stage refer the honourable members to the Statement of Objects and Reasons attached to the Bill, and the Government *communiqué* issued on the subject.

Mr. Speaker : The motion moved is —

That the Punjab Motor Vehicles Taxation (Amendment) Bill be taken into consideration at once.

Munshi Hari Lal : Sir, there are two motions one for circulation for eliciting public opinion and the other for reference to a select committee. I think the motion for the circulation of the Bill for public opinion should come first.

Mr. Speaker : Each of the two amending motions, mentioned by the honourable member, is intended to entirely replace the main motion for consideration of the Bill. When an amendment is meant to replace the original question in its entirety, debate is not restricted to the amendment alone. Both the amendment as well as the original question are under consideration of the House as alternative propositions. Therefore, when a motion proposing the circulation of a Bill, is moved to take the place of the motion for its consideration, both motions should be discussed simultaneously as alternative propositions. If, however, notice has been given not only of a motion for circulation but also of a motion for reference to a select committee, all the three motions, that is to say, the motion for (1) consideration, (2) circulation and (3) reference to a select committee shall be discussed together ; but they shall be put to the vote of the House separately. After the motion for consideration of a Bill is moved, only one amending motion, namely, the motion for circulation or reference to a select committee, shall be proposed

from the Chair for the purposes of discussion and debate. The other motion also shall be discussed but without being moved or proposed from the Chair. However, if the member, in whose name the latter motion stands, so wishes, he may move it, *after* the motion for circulation is lost, without making any speech. Both amending motions, that is to say, (1) the motion for circulation and (2) the motion for reference to a select committee, cannot be proposed from the Chair unless one of them is disposed of. The reason why they cannot be allowed to be moved and discussed separately, one after the other, is that if at one time the motions for (1) circulation and (2) consideration are discussed together and then the motions for (1) reference to a select committee and (2) consideration are discussed together, the motions for consideration shall be discussed twice, once with the motion for circulation and again with the motion for reference to a select committee; but a motion cannot be discussed twice. What I mean is that if the original motion is discussed once with the motion for circulation, it cannot be discussed a second time along with the motion for reference to a select committee. It is necessary, therefore, that the motions for (1) circulation and (2) reference to a select committee should be discussed together along with the motion for consideration and put to the vote of the House separately.

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

That the Punjab Motor Vehicles Taxation (Amendment) Bill be circulated for eliciting public opinion thereon by the 1st May, 1940.

Many friends have asked me why this dilatory motion in respect of a Bill which appears to be so simple and which should be considered at once and passed at once, within 5 minutes. The Bill, no doubt, to a simple-minded person, is a simple measure. It appears a very innocuous and harmless legislative measure. But if we study it carefully and also refer to certain things on the subject matter of this Bill, we find that it is not so simple and so innocuous as it appears to be. It has a sting in its tail. If we refer to the statement of objects and reasons we will find thus :—

The primary object of this Bill is to enable the system to be continued in force under which the owner of a motor vehicle is required to display a coupon in token of the fact that he has paid the tax due from him.

There can be no objection to having a rule and to having a power so that motor vehicles which ply on public roads should display a token in evidence of the fact that the tax has been paid. Further on it is said :—

Hitherto this has been arranged by a rule under the Indian Motor Vehicles Act, 1914—rule 24 of the Punjab Motor Vehicles Rules, 1931. This rule is continued in force up to the 31st March, 1940.

according to a certain provision of the new Motor Vehicles Act, 1939, passed by the central legislature. Further on it is said :—

In the new Motor Vehicles Act, 1939, there is no provision enabling a rule of this kind to be made. It is proposed to rectify the deficiency by an amendment of the Provincial Act under which the tax is levied; to take power to make a rule thereunder continuing the old obligation to display a tax token.

I have got a very serious objection to this statement. It is to my mind a mis-statement of the real position. Even under the old Act you could not frame the rule which you have framed now. That was an illegal rule. If

[S. Hari Singh.]

a rule cannot be framed under the Indian Motor Vehicles Act, which is going to be enforced in this province, then no rule of the nature which you want to frame under this amending Bill, should have been or could have been framed under the old Indian Motor Vehicles Act. You will be surprised to learn that thousands of rupees were levied by means of fines by making use of that rule, which was *ultra vires* and which was illegal, and yet my honourable friend has got the audacity to say that under the new Motor Vehicles Act that rule cannot be framed, while a similar rule exists under the old Act. There is no difference as to the nature of the Act that is going to be enforced and the old Act. No difference whatsoever. None of them is connected with taxation. Such a rule can be framed only under a taxation act, which is a proper measure and under which it would come. Now, the Government has realised that it has been acting illegally in realising fines from the people under the rule, which was *ultra vires* of the Government rule-making power. But that is a different matter. Again my honourable friend, in the statement of objects and reasons, says :—

Secondly, the Bill abrogates the local "wheel taxes" with which motor vehicles are at present burdened in certain towns of the province in addition to Central and Provincial taxation.

Now, I would like my honourable friend to be alert in his seat and face me. May I ask him whether he is serious when he says that motor vehicles at present are burdened in certain towns of the province and that he wants to ease that burden? (*Minister for Public Works* : Yes.)

4 p.m.

I put to him a direct question. Is the ultimate object of this measure to ease the burden or to increase it?

Minister for Public Works : I will answer all these questions later on : first you conclude your speech.

Sardar Hari Singh : Let the Minister answer on his own initiative and free himself from the apron strings of the Honourable the Premier.

Mir Maqbool Mahmood : Joint responsibility.

Sardar Hari Singh : But he has got brains ; he was going to answer my question but at the instance of the Premier he evaded answering.

Premier : No.

Sardar Hari Singh : May I ask whether this Bill would increase or ease the burden? Let the Premier answer it?

Minister for Public Works : I will give you the reply later on.

Sardar Hari Singh : You can answer by saying "yes" or "no". Do you require notice?

Mir Maqbool Mahmood : The question hour is over.

Sardar Hari Singh : This Bill is a stepping stone to increasing the burden on motor vehicles in the province. Apparently it looks as if my friend would take off the burden of taxation, known as wheel tax, from the motor vehicles. This measure looks to be a very simple one. In the first place he has a windfall of three-fourth of a lac of rupees. In the second place he is paving the way to increased taxation. He is paving the way to double the taxation on motor vehicles, those vehicles used for passengers or transport in this province. If you look to pages 204 and 205 of the report

of the Resources and Retrenchment Committee you will find that my case is completely borne out by the recommendations made by that Committee. On page 204 it is stated :—

The existing local taxes should be abolished, and for the future the scope of the taxing power possessed by municipalities should be limited to vehicles other than motor vehicles, the right to tax motor vehicles being reserved for the provincial Government.

So, that recommendation has been accepted by my friend by framing this Bill. Further on it is stated :—

This would mean a loss of revenue to local bodies to the extent of Rs. 1,48,000 according to the figures of wheel tax and license fee realized by them in 1935-36.

Therefore, according to this statement of the committee the municipalities will lose to the extent of Rs. 1,48,000 and the Government revenue will gain to the extent of half that amount because the present practice is that when a motor vehicle owner has paid the municipal tax or the wheel tax and then later on he goes to pay the provincial tax : half the amount of wheel tax is deducted from the provincial tax and the remainder paid to the government. It boils down to this that by means of this Bill the Government will gain to the extent of Rs. 74,000 and the municipalities will lose double that sum ; but the municipalities are not going to take it lying down. What will they do ? Go to those places where the wheel tax is realised by the municipalities and what do you find ? The municipalities make arrangements for *addas* for vehicles free of rent in lieu of the wheel tax. When the wheel tax has been abolished what will happen ? The municipalities will charge rent from the lorrywalas for these *addas*. So, the effect of the Bill will be that the lorry owners will not gain anything by the abolition of the wheel tax because the municipalities will be free to charge rent for *addas*. They are not at the present moment charging on account of the fact that they realise the wheel tax from the lorry owners. The Government will have a windfall of Rs. 74,000 and the municipalities will lose Rs. 1,48,000 which they will make up by charging rent for the *addas*. Further on, it is stated—

If the proposal to abolish local taxes be accepted we suggest that the following amendments be effected in the scale of rates laid down in the Schedule to the Motor Vehicles Taxation Act, 1924 :—

If this first recommendation of the committee, that is the abolition of the wheel tax is accepted, and it is accepted by this measure, what will be the corollary and what will be the result? The next step will be that the Government will come forward with a legislative measure increasing the provincial taxes, and what increase will be effected in the provincial taxes is laid down in the next paragraph which I may read out :—

In respect of vehicles for the transport of goods in items 3 (b), 3 (c) and 3 (d) for the figures '25', '37½' and '75', respectively the figures '40', '60' and '120' should be substituted.

For the figure 75 there is a big jump to 120, that is, in case of vehicles used for the transport of goods. What about the motor vehicles used for carrying of passengers ? In the case of vehicles seating not more than 4 persons the rate will rise from Rs. 30 to Rs. 60, double the amount. In the case of vehicles seating more than 4 but not more than 6 persons the increase will be from Rs. 40 to Rs. 80. In the case of other

[S. Hari Singh.]

vehicles seating more than 6, but not more than 20 persons the increase will be from Rs. 50 to Rs. 100. So, if this Bill is accepted and passed, it will be a stepping stone to increased taxation on motor vehicles. Now I ask my friend whether he has asked the municipalities, whether he has elicited the opinion of the local bodies, in the province as to whether they are prepared to forego the sum of Rs. 74,000. Has he asked the municipal committees how they are going to compensate that loss, or has he told the municipal committees how he is going to compensate them for the loss of Rs. 74,000 which will ultimately fall on the motorwallas through the rent of *addas* which are rent free?

Again it would be more honest, more straightforward and more logical on the part of Government to embody both the recommendations of the Retrenchment and Resources Committees in one Bill and not to bring forward a Bill like this and then to use it as an argument for the purposes of increasing the provincial taxes. Later on my honourable friend will bring forward another Bill and will tell this House because the wheel tax has been abolished, therefore where is the harm if the Government increase taxation on motor vehicles? A certain amount of load has been taken off, therefore the provincial Government is entitled and is justified in increasing the provincial tax so as to repair the roads and so forth. He should have been more straightforward and should have embodied the recommendations of the Retrenchment and Resources Committee when it has been discussed by this House and when he has heard the views of this House, which report, I think, is going to be placed before this House in April or on some date in this session, as was stated in answer to a question recently. After he has heard the views on the recommendations of this Committee, then he may come forward with a better Bill, embodying all the inter-related and inter-connected recommendations in one and the same measure. This is not, Mr. Speaker, an honest measure. While it looks to be a simple, innocuous and harmless Bill, it is not based on altruistic motives, because it gives the Government a windfall of Rs. 74,000 with one stroke of the pen. Then it will compel the municipal committees to charge rent from the lorry owners for these *addas* which are rent free now. Thirdly, it will be a stepping stone and it will be used as an argument for increasing the provincial taxes on the lorries, motor vehicles and other vehicles which are already being heavily taxed. Therefore I strongly urge that this measure should be postponed for the present by accepting a circulation motion, so that municipal committees and local bodies may have their say, so that the motor transport people may have their say and so that this House may have its say on the Retrenchment and Resources Committee report, so that the Bill may be improved. He may get all the inter-connected recommendations regarding taxation and put them before the House. Therefore I move this motion.

Mr. Speaker : Motion under consideration, amendment moved—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be circulated for eliciting public opinion thereon by the 1st May, 1940.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (Urdu): Sir, in addition to the reasons given by my honourable friend who preceded me I personally find two or three glaring defects in the Bill. You have probably noticed that by virtue of clause 4 and particularly clause 5

the right of realising taxes granted to the municipalities under section 61 of the Municipal Act is being wantonly taken away from them. The honourable members are aware of the fact that municipalities have to spend considerable sums of money on constructing roads and in keeping them in proper condition. In Lahore alone there are no less than 4 or 5 thousand cars and as many lorries, and the resultant wear and tear of the roads owing to this heavy traffic can well be imagined. Now on the one hand the municipality is being deprived of its right of realising wheel tax in so far as motor vehicles are concerned and on the other an additional burden is being placed on the residents in the form of a House-tax.

Some years ago when the Lahore Municipality tried to supplement its income without resorting to unpopular and harsh taxes and suggested the imposition of entertainment and exit taxes, their proposals were turned down by the Government. But now the Unionist Government which is always blowing its own trumpet and claims to be a popular Government is doing the same for filling its own coffers. They do not care whether the municipality gets any income or not because they know that the burden of any deficit in the revenues of the municipality will naturally fall upon the residents of the municipality.

With your permission, Sir, I will take the case of the Lahore Municipality by way of an illustration. No provision has been made by the Government for making up the deficiency which would naturally result from the withdrawal of this source of income of the municipality as proposed in this Bill. No aid is forthcoming from the Government except for primary education and that too partially because a considerable sum is set apart for that purpose in the Provincial Budget. If the Government were to go on appropriating all the sources of income of the local bodies I am at a loss to understand wherefrom they will get funds to discharge their obligations. Without taking any more time of the House I would condemn this proposal for amending section 61 of the Municipal Act which seeks to deprive the local bodies of their right to levy wheel tax on motor vehicles with all the emphasis at my command and I would submit that as the Bill is going to affect the vital interests of municipalities it would be proper to circulate it for eliciting their opinion.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Besides the reasons that have been advanced by the honourable mover and by my honourable friend Mian Abdul Aziz in support of the circulation motion, I find that this measure is one of those series of measures which are an invasion on the rights of the committees and it is just to deprive them of their right and just revenue. It was not very long ago when municipalities were entitled to add to their revenues the amount that accrued from the sale of property in their respective jurisdictions. A few years ago this source of revenue was provincialised and the municipalities were deprived of that. At the time the Entertainment Tax was thought of, suggestions were made that the municipalities should enforce and charge it. It was very definitely stated that that revenue will accrue to the municipalities, but what we do find is that as soon as legislation is undertaken and the entertainment tax is imposed that amount is also provincialised by Government. And now comes the turn of motor vehicles fees that the municipal committees used to recover from the motorwallas as well as from the lorrywallas.

[S. S. Sardar Santokh Singh.]

My honourable friend has given detailed reasons why it is necessary that the municipalities should be allowed to continue to retain that revenue and I will not take you over that ground again. What appears to me, however, is that the Government does want to have every pie of revenue to its own exchequer and to deprive the municipalities of what is their just and right due. Notice has also already been given of the introduction of the Municipal Amendment Bill, according to which all fines that used formerly to go to the coffers of the municipalities will now, if that enactment is passed, go to the provincial exchequer. If the municipalities have got to file those cases, as they do now, they will have to spend a great deal of money over the prosecution of those cases and this Government which professes to be a popular Government, does want to deprive the municipalities of every penny of their revenue and at the same time making them pay the expenses, and themselves getting the benefit. I will offer my detailed criticism to that Bill when it comes for consideration, but I just wanted to make a passing reference to it and say that whilst the municipalities spend thousands of rupees in prosecuting these cases in big cities like Amritsar and Lahore, the amount of fines that used formerly to go to the coffers of the Municipalities will henceforward be appropriated by the local Government.

Now coming to the expenditure of the municipalities, I will have to take you to the year 1932 when that unfortunate measure, the Executive Officers Act was passed by the previous Council, according to which these municipalities were forced to take into their employ executive officers, in some cases on princely pays, which very much went to upset their financial equilibrium. This is neither the time nor the occasion for me to go into the working of the Executive Officers Act. Suffice it for me to refer to that unfortunate Act passed in the year 1932 and thrust upon the municipalities, involving a considerable financial drain on the already limited revenues of the municipal committees. It was not only the pay of the executive officers but also that of their personal assistants, etc., that had to be provided, and if statistics were taken, I feel sure that since the working of that Act, the expenditure of these committees must have gone up very considerably. The rules framed then left no powers in practice to the committees to appoint their own executive officers. That matter has invariably to be referred to the Government and most of the appointments since then have been made by the Government itself. Having thrust their own men, as Executive Officers, Government was not still content. They further thrust upon the municipalities inspectorate and for this inspectorate, for their superficial inspections, if I may say so, lasting for about 10 to 15 days in a year, Government insists on charging the municipalities up to 1 (one) per cent of their gross revenue and in the case of a municipality like that of Amritsar that amount goes up to well nigh Rs. 13,000 a year—for the inspection that is carried out perhaps once or twice in a year and lasts for a few days. Not content even with that, the Government has thrust their own auditors on the municipal committees instead of allowing these committees to engage chartered accountants or chartered auditors on small fees whom they could get in great numbers. Government insists on sending its own auditors and charging very high fees to the municipalities and those fees, in a municipal committee like that of Amritsar easily come up to Rs. 12,000 annually.

(Interruption.) I am only taking exception to the step-motherly treatment accorded to the municipalities. I am not going into the other questions just at present. I am simply pointing out the pitiable situation to which the municipal committees have been reduced.

Coming again to the source of the revenue of the municipalities we had the terminal tax. Now that tax has become a federal subject and the local Government says that under the scheme they are not entitled to charge even the terminal tax. They will have to revert to octroi without refunds. This will mean further drain on their revenues. (*Minister of Public Works : That is under the Government of India Act.*) Yes, but I am only trying to explain how on the one hand you are crippling the resources of the committees to such an extent that you make their working impossible and on the other hand you are thrusting upon them expenditure which they will be, in no mood, if left to themselves, to incur. That is the position and I believe I am perfectly relevant in explaining it. Since the municipalities will not be able to levy terminal tax in their respective spheres, they will have to adopt the round about way of imposing octroi without refund and it will mean further drain on their revenues. This is the situation that confronts the municipalities and in face of that the Government has in its wisdom thought fit to deprive them of even the small source of revenue that they use to have by means of this Motor Vehicles Taxation Bill. The statement of objects and reasons, to my mind, appears to be very clumsy. It is said there in the second paragraph :

The possession by urban local bodies of power to tax motor vehicles—district boards have never had such power in the Punjab—is thus little more than a historical accident.

I feel that this analogy does not hold good. The only difference that I find is, that the motor cars did not exist then when the Municipal Act was passed in the same big numbers as they exist to-day. In its wisdom this Government says that the municipalities are to be deprived of that revenue which is rightfully theirs under the Municipal Act, because motor traffic did not exist in those days to the same extent as it does to-day. I put it to the Honourable Minister in charge whether the roads of the municipalities will not deteriorate more by the use of this increased motor traffic and whether they will not need proper repairs and maintenance under the Municipal Act, and if so, are they not entitled to keep this source of revenue to themselves. Simply because the motor cars now are more and the amount of revenue is substantial instead of a few hundreds of rupees as it used to be before, is that a sufficient reason for depriving the municipalities of their revenue? Furthermore, the statement of objects and reasons says :

A bill to abolish the local taxes was introduced in the last session of the old Punjab Legislative Council and opinions were obtained on it by circulation, but proceedings were still incomplete when the new constitution came into effect.

May I know if those proceedings have been completed? Have those opinions been received and published? Not so far as I know. The municipalities which are mostly concerned with this measure have not been asked to give their opinions. The public which is also very much concerned has not been asked to give its opinion. The proceedings of the old Legislative Council, so far as I am aware, remain where they were. So it seems necessary that this Bill should at least be referred to the municipalities which are

[S. S. Sardar Santokh Singh.]

mostly concerned with it before it is brought up in this Assembly for consideration. With these words I support the motion for circulation moved by my honourable friend.

Begum Rashida Latif Baji (Inner Lahore Muhammadan Women Urban) (*Urdu*): Sir, the object of the Bill introduced in this house is that the income of municipal committees should be taken and deposited in the Government funds. I could not make out as to why the house tax was going to be imposed on both the rich and the poor with so much enthusiasm. But now I have understood the reason and that is this that the Government wishes to tighten its control over all the municipal sources of income under the shelter of the house tax. I should like to point out that during the last three years, i.e., 1937-38, 1938-39 and 1939-40 the amount of motor tax which accrued to the Lahore Municipality was Rs. 60,000, Rs. 76,000 and Rs. 85,000, respectively. In return for this money, the Government say that they would give a grant to the municipality. Sir, we may estimate the grant like this that first of all the average of the last three years' income will be taken. It means that if average income of Rs. 60,000+Rs. 75,000+Rs. 85,000 be taken it will come to Rs. 78,000. So a grant of Rs. 78,000 will be given to Lahore Municipality in the first year and a less grant will be given in the second year and still less in the third year and nothing in the fourth year. I may also submit in this connection that there are 116 roads situated in civil lines and 51 in the city. I have not included the roads situated in suburbs. All these roads have been constructed by the municipality and their maintenance is also under the charge of municipality. You might remember that in 1936 when this amendment Bill was introduced in the Council it was circulated for eliciting public opinion thereon. I do not know what opinion was expressed by municipalities other than Lahore. But so far as Lahore Municipality is concerned, I remember that Mr. Jones, the then Administrator of Lahore Municipality was opposed to this Bill and he along with his opinion put down a note to the effect that if the Government wanted to take the income of the municipality they should take the charge of the roads as well. Now so far as the present Bill is concerned the best method is that the Bill should be circulated for eliciting the opinion of the municipalities concerned. I, therefore, submit that it would not be fair and proper to pass this measure without consulting the people concerned. I quite remember that the Honourable Minister in charge said to me that he intended to sanction a big grant to the Lahore Municipality? But this grant appeared in its true colour when I had the facts and figures in my possession. May I ask the Honourable Minister in charge to enlighten this House if the grants are sanctioned in the same way as I have mentioned? If so, then the fact is that the Government are not sanctioning grants but in reality receiving grants. If things go on like this the funds of the municipal committee will gradually pass over to the Government. The proper course was that half of the income should have been handed over to the municipality because there are so many roads under the jurisdiction of the municipal committee where so much motor traffic takes place. And if the Government is hesitating in giving so much amount of money to the municipality then the Government should be satisfied with the practice that has been adopted by it since long. I may point out that a few roads of Lahore

are under the control of the Government, for instance Ferozepore Road, Multan Road, Jail Road and Mayo Road.

Mian Abdul Aziz : Meleod Road and the Mall are also included.

Begum Rashida Latif Baji : When this is the state of affairs and the Government is bent upon depriving the Lahore Municipality of its income I fail to see how they would convert Lahore into a paradise. May I know whether the Government will tighten its control over all the sources of income and leave the municipal committee to depend upon house tax alone ? My submission, therefore, is that a part should be allotted to the municipality out of the motor tax may it be small or large because the municipality provides *addas* to motor vehicles and constructs roads for them. It is, therefore, very necessary for the Government to elicit public opinion about this matter and I would appeal to the Honourable Minister for Public Works to place those opinions before the House which were expressed by the various municipalities in 1936 so that we may be able to know their point of view in this respect. With these words I support the circulation motion moved by the honourable member Sardar Hari Singh.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, I take this opportunity to support the amendment for circulation moved by my honourable friend Sardar Hari Singh. With regard to the usefulness or otherwise of the Bill before the House, my honourable friend Mian Abdul Aziz and the honourable lady member Rashida Latif Baji have shed enough light and I, therefore, need not go into and repeat those details. I should like only to invite the attention of the House to the basic principle involved in this matter. The reason for this sort of taxation, Sir, is that the Government or the municipal committee or a district board should find means for the maintenance and upkeep of roads. The Government's part in this connection is very brief. It should build roads and then hand them over to the committees or boards for their repairs and upkeep. It, then, becomes incumbent upon such local bodies to meet the maintenance charges of and look after these roads. For this purpose the municipalities charge the wheel tax and by having the roads directly under their supervision, these bodies can more efficiently attend to their needs of convenience and sanitation. But by this Bill, the Government wants to strangle these bodies to death by denying them their legitimate right of charging the wheel-tax. The question is : who will look after the repairs of these roads ? Certainly it should be the municipalities. It means, then, that the right and power of charging the whole of the tax cannot be given to the Government, unless they are solely prepared to take the full responsibility to meet the maintenance charges themselves. If the Government is prepared for this alternative, I may, with your leave, Sir, say that the Government would be ill-advised because an efficient provincial government should only construct works of public utility and then hand them over to the local bodies for their maintenance so that the charges of their upkeep should not be a permanent drain on its funds which should ever be available for undertaking new schemes of public welfare. I have been a member of the municipal committee of the capital of this province and I have full experience of things that went there. The people always addressed us for the repairing and mending of

[L. Sita Ram.]

roads, as a municipal committee is and should be, the only body to look after roads. In my opinion, therefore, we should wait, and see what the municipalities have to say.

As regards the reason of inefficiency given by the Government in connection with the Lahore Municipal Committee, I would submit that the main reason was that the income of the committee was less than the funds needed for the purpose. We could not make the two ends meet. But the Government now, by this legislation is further decreasing that income, by making the wheel-tax go to the provincial coffers. Give the municipal committees, Sir, enough oxygen to breathe. You are cutting down their sources of income on the one hand and you are extending the limits of these municipalities by bringing the unwieldy suburbs under the municipal administration on the other. How can you meet the expenses, when the limits of a municipal area are extended to the extent of unwieldiness. I am not sure of the good that will come out of the passing of the Bill, but I am sure of one thing; i.e., the condition of roads will become worse under the new arrangement.

I do not want to be unfair to the Government or the municipal committee, but I want to place certain unassailable facts before the House. The Government empowered the municipal committee to charge only one duty or tax from the people. But the committee could not run the whole show within its income. When we demanded more money from the Government, we were given a flat refusal and the sermon was preached to us to cut our coat according to the length of our cloth. When the expenditure exceeds the income, Sir, obviously the result is insolvency. This is what happened in the case of the Lahore Municipal Committee. We were buried out as inefficient, but did the Executive Officer succeed where we had failed? Now the Government intends to appoint a Chief Executive Officer under the provisions of the Corporation Bill. This will be a sort of bigger white elephant and a heavy drain upon the sources of the municipality.

I was proposing, Sir, that the best thing for the Government would be either to withdraw this Bill or to amend it in such a way as to make it more acceptable to the people. If the Government wants to ignore the rights of the local bodies let them do so, but at least they should provide them an opportunity to express their opinion about the Bill now before the House. I think there is no harm and much less danger if the Government accept the motion that has been moved by my honourable friend Sardar Hari Singh that the Punjab Motor Vehicles Taxation (Amendment) Bill be circulated for eliciting public opinion thereon by the 1st May, 1940.

Besides, Sir, there is another submission which I want to make. That is, if this measure is enacted into law the result would be that the income of the local bodies would be diminished. Naturally the local bodies who would be affected by the provisions of this Bill would have recourse to fresh taxation in order to make up the loss that they would have to incur on account of losing the wheel-tax. I am of the opinion as has been pointed out by honourable Begum Rashida Latif Baji that the house tax has been imposed with the same end in view. At the time of the imposition of this tax the Government must have this thing in view that a Bill to this effect

would be moved which would reduce the income of the Lahore Municipal Committee and in order to make up that loss the Government permitted the Administrator to levy the much reviled house-tax. Moreover the honourable members are aware of the fact that the Government had sanctioned the Lahore sewerage scheme and its work had been taken in hand. But I can say without any fear of contradiction that the scheme will only benefit the civil lines, and nothing would be done for the poor old city of Lahore. Yet the residents of the old Lahore will have to pay huge amounts of taxes for the benefit of officials and other rich persons whose bungalows are situated near about the civil lines. I ask the Government as to how far this is justified.

Then again we daily hear news that the Government want to improve the sanitary conditions of Lahore. I ask whether the sanitary conditions of Lahore are being improved or worsened. Surely the answer is in the negative. Instead of bettering the sanitary conditions of Lahore they are being deteriorated day by day. To complete the black picture, the Government is including adjacent villages also within the municipal limits of Lahore, and the poor citizens of Lahore will have to bear the burden of making roads and providing other facilities to those areas which would be thus included in the municipal limits. Under these circumstances, I think the sanitary conditions of Lahore will go to dogs rather than improve. It is therefore my submission that the Government should accept this simple and harmless amendment. The municipal committees which are to be affected by the proposed measure should be allowed an opportunity to place their case before the Government. If that is done the local bodies concerned would get an opportunity to place their statements of income and expenditure before the Government and thus they would be in a position to bring it home to you that if the proposed measure is placed on the statute book in that case it would be very difficult for them to carry on the administration of local bodies. In the light of their opinions, then, the Government can make alterations in the Bill. With these words, I strongly support the circulation motion.

Malik Barkat Ali (Eastern Towns, Muhammadan, Urban): There is one part of this Bill which is very simple in its character and if that were all that the Government wanted to secure I for one would certainly not support the circulation motion. I refer to that part which lays an obligation on the owners of cars or the users of cars to display a token on their cars indicating that the tax has been paid or that the owner of the vehicle is entitled to exemption. I take it that even those honourable members who have moved the circulation motion have no desire to attack this part of the Bill. But there is another part to the Bill which certainly raises a very important issue, namely the withdrawal from the urban local bodies of the power of taxation that they possess in regard to motor vehicles. It has been stated on the floor of this House that this taxation of motor vehicles by urban local bodies is a very rich and substantial source of income. It follows therefore that if this power is taken away, municipal bodies will suffer considerably. Does the Government anywhere in the Bill indicate what compensation it will be making to the urban local bodies in respect of this source of income which the Government by means of this Bill is taking away from those bodies? It is not that the urban local bodies will

[M. Barkat Ali.]

be relieved of their obligation of keeping the roads within their charge in proper and perfect repair. It is not that the motor vehicles that have been plying within the jurisdiction of those urban local bodies will not be using the roads of those bodies. If the roads of those bodies will be used by the owners of motor vehicles or those who ply these vehicles, then I fail to understand what reason there is in principle in taking away this power from the municipal bodies. I believe the principle is clear that those who use the roads of the municipal bodies must pay for that use in the shape of taxation. This use will continue, as I have already submitted, in the case of motor cars and therefore I fail to see why those local bodies should be deprived of this power. It is very unfortunate that the Honourable Minister has not been pleased in the course of his speech to place this House in possession of figures relating to the income of the various bodies under this head. This would certainly have enabled us to form some opinion as to the operation of those clauses of the Bill whereby these urban bodies are going to be deprived of this very valuable source of income. Therefore in the absence of any indication as to how the local bodies are going to be compensated for the loss of this source of income, it is very difficult to support the present motion that the Bill be taken into consideration at once and to oppose the circulation motion.

Reference has been made to the fact that a Bill to abolish local taxation of motor vehicles was introduced in the last session of the old Punjab Legislative Council and opinions were obtained and collected. It is really to be regretted that the opinions which were collected on that occasion have not been made available to us now. Therefore we are completely in the dark as to what those opinions were. In view of the fact that this Bill raises a very important issue, namely the curtailment of the powers of urban local bodies to tax motor vehicles, a serious inroad on the resources of the municipalities, I feel that it is in the fitness of things that the Bill should be circulated first for eliciting public opinion and also to obtain the opinions of those bodies which are going to be vitally affected by this Bill.

Dr. Sir Gokul Chand Narang : May I, Mr. Speaker, with your permission ask one question of the Honourable Minister in connection with this Bill? He would probably remember that a Motor Vehicles (Amendment) Bill was drafted by the previous Government and in that Bill a definite provision was made for compensating the local bodies whose source of revenue under this head was intended to be stopped. Will he be good enough to tell us the reasons which led the Government to drop that particular provision with regard to compensation to local bodies when the present Bill was drafted? It would have been much better if the Honourable Minister had referred to that point while making the present motion before the House so that this House would not have been groping in the dark. As it is, we are all groping in the dark now while we know full well that the old Bill contained this provision definitely.

If I am permitted, I may add a sentence or two. It appears to me that this Bill is nothing but another step in the same direction in which certain other legislation of this Government was moved. The attempt throughout has been to rob the urbanites to benefit the rural people. In the present case I may say that while the rural people will not be directly benefited.

urban institutions would certainly be robbed. Surely it is in the fitness of things that we should know whether the urban organisations are going to be depleted of their funds so far as their revenue through taxation of motor vehicles is concerned. I expect the Honourable Minister would condescend to give us a reply to the question which I have put to him.

Minister for Public Works : I will answer that question when my turn to speak comes.

Dr. Sir Gokul Chand Narang : Are any turns fixed for Ministers ? I believe they have no such things in this House as turns to speak. Unfortunately it has become the habit of the present Ministry to keep mum while other honourable members go on talking without knowing what is in the mind of the Ministers.

Mir Maqbool Mahmood : I rise on a point of order. Can an honourable member put a question in the course of his speech and force the Minister to give an answer to the question ? Surely it is not open to honourable members to force the Ministers to answer questions put in the course of a speech.

Dr. Sir Gokul Chand Narang : Is that a point of order ? I did not force my question into the throat of the Honourable Minister. I was only making a request to him to answer my question.

Minister for Public Works : I shall explain the whole matter later when I reply to the debate.

Dr. Sir Gokul Chand Narang : May I make a request to honourable members, that is, that no honourable member should get up to speak until the Minister has spoken ? That is how we can make him speak.

Mr. Speaker : If no other member rises to speak, the Minister will be called to reply to the debate.

Dr. Sir Gokul Chand Narang : I would request honourable members not to rise and thereby indirectly compel the Minister to get up and speak.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*): Sir, the matter now before the House is really very important. But in my opinion if boiled down it comes to this that the income of municipal committees or the taxes which they realise in urban areas, should be spent by them to provide facilities and amenities of life to the area under their jurisdiction. As a matter of fact not a single pie from the contributions made by the rural people to the provincial revenues should be spent on towns. The whole amount of money realised from them in the form of various taxes should be utilised for the betterment of ruralities and for the development of rural areas. If this principle is accepted and adhered to by the House, then we, the representatives of the rural people would feel very grateful for this. In this connection I may point out that out of the total receipts of the Exchequer of our province, which amount to 11 crores of rupees, only one crore is contributed by the urbanites while the remaining amount comes from the pockets of the rural people. Obviously it is the latter who constitutes the chief source of income to the provincial revenues. It is they who are financing the administration of all the beneficent as well as other departments of the Government. But to our great disappointment, we find that the major portion of the income of the province is spent on the

[Captain Sodhi Harnam Singh.]

towns and very little amount is earmarked for the improvement of rural areas. This is sheer injustice which has no parallel in history. It is nothing short of robbing Peter to pay Paul. I am of the opinion that it would be a very sound principle if we agree that the income derived from urban sources should be spent on the urban areas and *vice versa*. (*Interruptions.*) It is an open secret that all the amenities of life are provided to the urbanites while the rural people receive very little of them. The honourable members would find that almost all the colleges, high schools, well organised hospitals, etc., have been established in the towns and such arrangements in the countryside are conspicuous by their absence. It is a matter of common knowledge that a zamindar in a village has to spend about 40 to 50 rupees per mensem for educating his son in a college, while the inhabitants of towns incur comparatively low expenditure in this connection.

Then I come to the question of roads. The honourable members are fully aware of the havoc wrought by the lorries on the roads. As a matter of fact the lorry traffic heavily tells upon the condition of the roads. But in spite of the fact that the municipalities levy certain taxes on the motor vehicles, they do not maintain the roads in a proper condition. If these roads are provincialised their condition is bound to improve and the heavy traffic would be facilitated to a large extent. But for this purpose Government must have receipts to keep the roads in tip top condition. So it is reasonable that Government should levy some sort of tax on the motor vehicles. If taxation of motor vehicles is left to the municipalities, then every municipality will demand a separate tax from a motor vehicle and we will find that a motor vehicle of one district will not be permitted to pass through another without payment of an additional tax, and consequently there will be a great complication, and harassment. To save all this trouble and to bring uniformity, it is essential that this tax should accrue to the Government. In order to remove this anomaly Government have brought forward this measure, which in my opinion should be passed without the least delay.

But so far as certain penalties laid down in the Bill regarding certain offences are concerned I feel that they are somewhat harsh. I think the amount of fines proposed to be inflicted on the offender should be reduced considerably. But I see no reason why the Bill should be circulated or referred to a select committee on this score. It is a simple and an innocuous measure. When it is discussed threadbare clause by clause, we can effect amendments in the Bill and remove its defects. I am, therefore, strongly of the opinion that the Bill should be taken into consideration at once and no time should be wasted in circulating it. With these words I close my remarks.

Minister for Public Works : If other honourable members do not want to speak I shall reply to the debate. If I did not answer the question put by Dr. Sir Gokul Chand Narang it was because I wanted to wait to see whether other honourable members had any questions to put in the course of their speeches so that I may answer them all in the course of my reply to the debate.

Mr. Speaker : The Honourable Minister may speak.

Minister of Public Works (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana) : Sir, it was only to save the time of the House that I referred the honourable members to the statement of objects and reasons attached to the Bill and if they had studied it carefully, I am sure, all the questions they wanted to ask me would not have been perhaps necessary, except certain further information which would have been furnished by me in reply. But instead of that, they have been wandering far from the Bill and its consideration and bringing in extraneous matters, which have got nothing to do with this measure. First of all, I will take up the objection raised by my honourable friend, Sardar Hari Singh. He said that the present rules by which tokens are in existence are invalid. If that is the position why has this question not been challenged in any court of law ? Even in that respect, the present Bill is setting up the whole thing on a proper basis by bringing about this amendment. As you are aware, Sir, the present rules terminate on the 31st March, 1940, and in view of the recent legislation passed by the Central Legislature under section 184, we cannot frame rules to achieve the purpose and enforce the displaying of those tokens on motor vehicles. If that is not done there is a considerable danger and a lot of leakage would take place and the provincial revenues would suffer. So, all that we intend to do by this amendment is to legalise, after the termination of these rules, the *status quo* as it exists at present. The second object of this Bill is to remove the anomalies of dual taxation that exist at present on account of the local bodies having power to tax motor vehicles. The criticism has been levelled as to why we did not obtain opinions. A similar measure, as the statement of objects and reasons shows, was put forward and opinions were collected and all local bodies naturally had their say. I am not going to maintain that any local body would like to lose its income which it gets. (*Mian Abdul Aziz* : Then it means that all local bodies are against it.) Yes, I would say that the local bodies would not like to part with it. But there are very few local bodies that are at present receiving any big amount except in big cities. Their position is different.

Malik Barkat Ali : Can you give the House an idea of the loss ?

Minister of Public Works : I am coming to that. What we find is that certain local bodies have taxed motor vehicles and others have not and there are other types of bodies, such as, district boards, that maintain long stretches of roads but do not tax motor vehicles at all. Then there is the anomaly of different rates of taxation levied on motor vehicles in different places. To do away with it we have provided that the taxation of motor vehicles should remain a field for the provincial revenues, and that the local bodies, as they have been receiving this income in the past, to the extent of 8 years, receive a full grant. In this connection I would refer the honourable members to the *communiqué* issued by the Government recently which says :

While the desirability of this reform will be generally recognised, Government realise that it will necessitate readjustments in the budgets of certain municipalities ; and in order that there may be no ground for complaint on the part of the latter, they propose, if the Bill is enacted, to make grants for three years to those local bodies where wheel taxes are at present in force, based on the average receipts

[Minister for Public Works.]

for the preceding triennium. The grants will be given in full for the term of three years mentioned, after which the situation will be reviewed by Government. The intention is that the amount of the grants should then be gradually reduced over a period of years and finally extinguished.

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

Malik Barkat Ali : What about after three years ?

Minister for Public Works : The position will be reviewed. I might mention some figures with regard to wheel-tax that exists in local bodies. The figures that are with me are collected throughout the province and they are Rs. 1,58,000, that is, Lahore Rs. 67,571, Amritsar Rs. 31,449 and there are other various small local bodies which get Rs. 48,880. So, this measure is not to increase taxation or to benefit local revenues as things stand at present. On the contrary, when we take into consideration the fact that half of the tax has already been paid by the provincial revenues by way of remitting the tax payers and the other half will be now in the form of a grant to be paid to local bodies, our provincial revenues would not benefit in the beginning but for some time they will be the losers to the extent of Rs. 75,000 per annum. (An honourable member : Then what is the idea of this legislation ?) The idea is to enforce rigid control over motor vehicles. We do not want that they should suffer greater tax than is necessary. If I might be allowed to quote a case, I would submit that the provincial taxation on motor vehicles is Rs. 50 but the Amritsar Municipality is realising something to the tune of Rs. 96, that is, a lorry owner living in Amritsar has to pay about double the tax. Then there is another trouble. One local body taxes a motor vehicle at one rate and in another case it taxes at a different rate. Then there is another danger. A motor vehicle can be taxed at one and the same time in two different local bodies. Motor vehicles now use the provincial roads as well as the district board roads, but the tax is charged by local bodies, to which they are not entitled. In order to do away with all this trouble we have brought in this measure and it will be a relief to the motor owner to find that he is to pay only one rate wherever he lives and wherever he plies.

At the same time if any local body had any trouble for an adjustment of its budget they can within this period readjust it. Local bodies, as has been stated, have got the tax because of an accident. Motor vehicles did not exist at the time they were taxed. Ordinary tongas and other vehicles plied in the municipal limits when this Act came and they were taxed. They incurred little expenditure and it was considered advisable that we might now take over this source of income for provincial revenues. Already the province has got the source and we do not want dual control. It was stated that we intend to increase the tax. If that were our intention then a different Bill will have to be brought forward. There is no proposal in this Bill to increase taxation. The Resources and Retrenchment Committee might have recommended some increase on motor vehicles but that is not the point at present before the House.

Mian Abdul Aziz : It will come gradually.

Minister for Public Works : That will be for the House to decide. It has got nothing to do with the Bill. We are not contemplating any increase in taxation.

Diwan Chaman Lall : Is it not a fact that this Bill is being introduced as the direct result of the recommendations of the Resources and Retrenchment Committee which stated that this is the first step to be taken if the provincial revenues are to benefit ?

Minister for Public Works : That is not the case and as I have stated if the taxation is to be increased a separate measure will be brought forward.

Diwan Chaman Lall : May I draw the attention of my honourable friend, if he would be kind enough to give way, to page 204 which says :—

Before proposing any change in the present scale of rates we wish to record our conviction that it would be desirable to do away with the present multiple authority to tax motor vehicles under which varying local taxes are being levied in addition to the provincial tax—

It says before we propose any change in the present scale of rates.

Minister for Public Works : That may be the recommendation of the Committee, but I can assure honourable member that action on the same lines was contemplated by the last Council and brought before the last Council. What we intend to do is to secure uniformity of control and uniformity in taxation. There is no motive beyond that.

Malik Barkat Ali : How does control come in ?

Minister for Public Works : Control comes under the central Act passed by that legislature. This Bill has got nothing to do with it because that involves a certain amount of expenditure on motor vehicles. We do not want them to be taxed beyond the fixed amount, i.e., Rs. 50. In Amritsar a tax of Rs. 96 is charged which is double the amount.

Malik Barkat Ali : You can fix a uniform rate for all bodies which is not to be exceeded by urban bodies.

Minister for Public Works : Yes, that is possible, but what about the distribution of the amount ? What do the urban bodies do ? They keep certain roads and those roads, I have to repeat the same arguments over again, which are used are either district board roads or there are roads of urban areas. There are certain roads on which people ply tongas and a limited number of motors ply on those roads. What is the justification of charging Rs. 96 in Amritsar on single vehicles ?

Then certain honourable members stated that we were curtailing the sources of taxation of the municipalities and thereby decreasing their income. That is not the purpose. Of course if a municipal committee were deriving benefit to which it is not entitled we are setting that right. There is no denying that fact. The object is not to take away any income to which they are entitled. So far as the level of taxation is concerned take the case of Amritsar. Why have they been making this money ; are they entitled to it ? Complaints have been made that house tax is being levied in Lahore. Why let them levy this tax on every body for their benefit ?

It was then stated that figures have not been supplied. Figures are published in the annual municipal report. There is no question of not giving figures as every honourable member has access to those reports : I will also repeat them now. The Honourable Dr. Sir Gokul Chand Narang

[Minister for Public Works.]

said that we were robbing the urban people in order to help the rural people. I would not reply to that argument. That might apply to certain measures but not to this case. As I have stated, on the contrary, revenue to the extent of Rs. 75,000 could be spent by the province and therefore it is a drain on the rural people and not on the urban people. The Bill is a simple one.

Malik Barkat Ali : One part is very simple!

Mian Abdul Aziz : The Statement of Objects and Reasons is simple.

Lala Bhim Sen Sachar : The delivery is simpler still.

Minister for Public Works : The question was examined by a committee appointed by the last Council as well, and they came to the conclusion that it was advisable to take away the power of levying the wheel tax from the local bodies.

Malik Barkat Ali : Are we not entitled to be in possession of that information? Is it in the archives of the Government and is not to be supplied to the members?

Minister for Public Works : If the committee was appointed by the last Council it must be in the proceedings.

Malik Barkat Ali : We do not know: we have no access.

Mr. Deputy Speaker : I would request the honourable member to put questions in the proper way.

Minister for Public Works : That Bill was not proceeded with due to the fact that the life of the House expired.

I would say that there is no case for circulating this Bill for eliciting public opinion and it ought to be passed before the 31st March otherwise we will lose revenue. I therefore oppose this dilatory motion.

Mian Abdul Aziz : May I ask when that report of the committee was received by the last Council?

Malik Barkat Ali : May I ask the Honourable Minister to state whether he has got this report in his possession now so that we may see it?

Mian Abdul Aziz : Is no reply forthcoming?

Mr. Deputy Speaker : The question is :—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be circulated for eliciting public opinion thereon by the 1st of May, 1940.

The Assembly divided : Ayes 34, Noes 62.

AYES.

Abdul Aziz, Mian.
Ajit Singh, Sardar.
Barkat Ali, Malik.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.

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.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kapoor Singh, Sardar.

Kartar Singh, Sardar.
 Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.

Prem Singh, Mahant.
 Rashida Latif Baji, Begum.
 Rur Singh, Sardar.
 Santokh Singh, Sardar Sahib
 Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.

NOES.

Abdul Haye, The Honourable Mian.
 Abdul Rab, Mian.
 Abdul Rahim, Chaudhri (Gur-
 daspur).
 Abdul Rahim, Chaudhri (Gur-
 gaon).
 Afzaalali Hasnie, Sayed.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable
 Chaudhri Sir.
 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, Raje.
 Ghulam Mohy-ud-Din, Khan Baha-
 dur Maulvi.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar 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.

Muhammad Akram Khan, Khan
 Bahadur Raja.
 Muhammad Amin, Khan Sahib
 Shaikh.
 Muhammad Faiyaz Ali Khan,
 Nawabzada.
 Muhammad Hassan Khan, Gur-
 chani, Khan Bahadur Sardar.
 Muhammad Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Hussain, Chaudhri.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chau-
 dhri.
 Mukand Lal Puri, Rai Bahadur
 Mr.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur
 Captain Malik.
 Muzaffar Khan, Khan Bahadur
 Nawab.
 Nasir-ud-Din, Chaudhri.
 Naunihal Singh Mann, Lieutenant
 Sardar.
 Nawazish Ali Shah, Sayed.
 Nur Ahmad Khan, Khan Bahadur
 Mian.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 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.
 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.

Mr. Deputy Speaker : The question is—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be taken into consideration at once.

Diwan Chaman Lall : Have I the right, Mr. Deputy Speaker, or not to make a speech? I take it that the closure that was moved was in reference to the circulation motion. Now we have another motion before the House that this Bill be taken into consideration.

Mr. Deputy Speaker : The discussion was going on all these motions. This was the main motion and all the amendments were under consideration. Therefore in my opinion the honourable member has no right to speak.

Diwan Chaman Lall : That was only in reference to the circulation motion. When each motion comes up before the House, the honourable members have the right to express their opinion in regard to that particular motion. The only motion that has been before the House was the circulation motion and that has been put on my calling for a division. Now you are placing the other motion before the House which will necessarily be taken to division, that the Bill be taken into consideration. I am rising to oppose the motion. Have I a right or not to speak?

Mr. Deputy Speaker : The main motion as well as all the amendments were being discussed together. Therefore the honourable member at this stage has no right to make a speech.

Diwan Chaman Lall : I do not think that could possibly be right under the rules, because only one substantive motion could be discussed at one time before the House. There is no possibility, under the rules, of our being able to discuss a series of motions, substantive motions, at the same time. We may be able to discuss a series of amendments of the same nature at the same time and you may then put them all, with the consent of the House, to vote. But no permission of the House has ever been taken on this proposition which seems to me rather a strange proposition, that all substantive motions should be so mixed that a debate may take place on all of them at the same time. Now my honourable friend's motion regarding circulation is defeated. He has taken one opportunity of delaying this measure. A second opportunity is available in presenting before you and before this House the second motion, that this Bill be referred to a select committee. That is the second opportunity he has of delaying this measure as he intends to delay it. Now I do submit that the reasons that may be advanced for circulation may not necessarily be the same that may be advanced for reference of this Bill to a select committee. I submit, therefore, that these substantive motions cannot necessarily be discussed together and each must

be put separately and when the next motion is put, it is open to the House to debate the next motion and the next motion, I take it, is the motion for reference of this Bill to a select committee. I have certain reasons to advance in supporting this particular motion why it should be referred to a select committee and I should not be debarred from expressing my opinion on it. Therefore, I do submit, in order to facilitate the debate and the understanding of this measure, you will be pleased to permit the necessary discussion on the second motion, namely, that it be referred to a select committee.

Mr. Deputy Speaker : The honourable member, if he so likes, may move the amendments that stand in his name, that is amendments numbered 1 and 2. Now first of all the main motion was moved. Then amendment No. 5 was allowed to be moved. But the discussion was taking place on the main motion as well as on all the amendments including amendments Nos. 1 and 2. Therefore, so far as the discussion is concerned, it has come to an end. If the honourable member wants to move his motion, he can do so. That will be put to the House without any speech.

Diwan Chaman Lall : That surely would be no use at all to register my vote without any speech. Now I have a motion. That motion does not have a priority because there is a dilatory motion of a wider scope which has been taken up and discussed. That motion having been disposed of, I should not be debarred because that motion has been disposed of from presenting my motion before the House.

Mr. Deputy Speaker : There is absolutely no question of the honourable member being debarred from making a speech. This has been the consistent practice of the House all along, that first of all the main motion is moved and then one of the amendments is allowed to be moved. These amendments relating to reference to select committee and circulation are all similar and so the discussion related to both these amendments and to the main motion. The rules too are to the same effect and the practice too is exactly the same. Therefore it is absolutely clear that the honourable member has no right to make a speech. He can simply move the motion and that motion will be proposed and put to the vote without any further debate.

Diwan Chaman Lall : I formally move—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be referred to a select committee.

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

Before you took the Chair, Mr. Speaker, the matter that was before the House was this. I have been given permission, if I may put it that way, to move my motion regarding reference to a select committee. But I have been warned that I can only move that motion formally and make no speech. That was the question which was being debated between myself and the Deputy Speaker when you were good enough to walk into the Chamber and occupy the Chair. I am entirely at your command in regard to the position that is to be adopted. A discussion has taken place relative to the motion of my honourable friend for the circulation of this measure. Closure has been adopted and it has been taken to a division and defeated. The question is whether with the defeat of the circulation motion, there goes also by the board the other motion, namely, reference of this measure to a select committee.

[Diwan Chaman Lal.]

and if it does go by the board, naturally I am out of court, I have no right of delivering a speech. That is one of the reasons why we deprecate at an earlier stage the moving of a closure motion which debars a large number of honourable members who wish to participate in a discussion of this measure, an important measure which is in a sense a taxation measure, from participating in this debate. That is why we deprecate these closure motions. I do submit that I should have the right ordinarily, when I move a substantive amendment to this measure, namely, that it be referred to a select committee, to explain to the House the reasons which prompt me to move this particular amendment. It is for you to decide whether I am to move formally this motion and sit down or whether I can say what I intend to say in support of this motion.

Mr. Speaker : This morning when the question was raised by the honourable member Munshi Hari Lal, I gave a lengthy ruling. Probably the honourable member was not present. He may see that ruling.

Question is—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be referred to a select committee.

The Assembly divided : Ayes 36, Noes 60.

AYES.

Abdul Aziz, 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.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Faqir Chand, Chaudhri.
Gopal Das, Rai Bahadur Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.

Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Mazhar Ali Azhar, Maulvi.
Muhammad Hussain, Sardar.
Muhammad Iftikhar-ud-Din, Mian.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Rashida Latif Baji, Begum.
Rur 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 (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.

Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.

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.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Kishan Das, Seth.
Manohar Lal, The Honourable Mr. 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 Nawaz Khan, Major Sardar Sir.
Muhammad Sarfraz Khan, Raja.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Mukand Lal Puri, Rai Bahadur Mr.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Nasir-ud-Din, Chaudhri.
Nawazish Ali Shah, Sayed.
Pir Muhammad, Khan Sahib Chaudhri.
Pohop Singh, Rao.
Pritam Singh Sidhu, Sardar.
Ram Sarup, Chaudhri.
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.
Sultan Mahmud Hotiana, Mian.
Sumer Singh, Chaudhri.
Sunder 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 Motor Vehicles Taxation (Amendment) Bill be taken into consideration at once.

The Assembly divided : Ayes 57, Noes 38.

AYES.

-Abdul Hamid Khan, Sufi.
-Abdul Haye, The Honourable Mian.
-Abdul Rahim, Chaudhri (Gurdaspur).
-Abdul Rahim, Chaudhri (Gurgaon).
-Afzaalali Hasnie, Sayed.
-Amjad Ali Shah, Sayed.

Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
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.
 Glinam Mohy-ud-Din, Khan
 Bahadur Maulvi.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur
 Sardar.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jagjit Singh Bedi, Tikka.
 Jagjit Singh Man, Sardar.
 Karamat Ali, Shaikh.
 Khizar Hayat-Khan Tiwana, The
 Honourable Major Nawabzada
 Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable
 Mr.
 Mubarak Ali Shah, Sayed.
 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 Hayat Khan Noon,
 Nawab Malik Sir.
 Muhammad Nawaz Khan, Major
 Sardar Sir.
 Muhammad Shafi Ali Khan, Khan
 Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Nasir-ud-Din, Chaudhri.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chau-
 dhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chau-
 dhri.
 Shah Nawaz, Mrs. J. A.
 Sikander Hyat-Khan, The Honour-
 able Major Sir.
 Sultan Mahmud Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sundar Singh Majithia, The Honour-
 able Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

NOES.

Abdul Aziz, Mian.
 Ajit Singh, Sardar.
 Baldev Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhagat Ram Sharma, Pandit.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Faqir Chand, Chaudhri.
 Gopal Das, Rai Bahadur Lala.
 Gopi Chand Bhargava, Dr.
 Hari Lal, Munshi.

Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kapoor Singh, Sardar.
 Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Ittikhar-ud-Din, Mian.

Muhammad Nurullah, Mian.
 Muhammad Wilayat Hussain,
 Jeelani, Makhdumzada Haji
 Sayed.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Chaudhri.

Rur Singh, Sardar.
 Santokh Singh, Sardar Sahib Sar-
 dar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Clause 1.

Mr. Speaker : The Assembly will now consider the Bill clause by clause. The question is —

P.M.

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.

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

That at the end, the following new sub-clause be added :—

“(k) to provide for the issue of token and its duplicate.”

Minister for Public Works (The Honourable Major Malik Khizar Hayat Khan Tiwana) : Sir, in order to save the time of the House I may say a word. As already provided, the coupons are issued in duplicates. If the honourable member insists on his amendment, I accept it ; but I think it is superfluous.

Mr. Speaker : The question is—

That at the end, the following new sub-clause be added :—

“(k) to provide for the issue of token and its duplicate.”

The motion was carried.

Mr. Speaker : The question is—

That clause 3, as amended, stand part of the Bill.

The motion was carried.

Clause 4.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I beg to move—

That in the proposed section 16 (1), lines 4-5, between the words “rule” and “shall”, the words “without sufficient cause” be inserted.

Sir, according to clause 3 no motor vehicle shall be used in the province unless a token is displayed thereon indicating that the tax has been duly paid ; and it is also provided under section 4 that any person contravening this rule, that is, if he misses to display this token, he shall be punished

[S. Kapoor Singh.]

with fine which may extend to twenty rupees in the first instance. And in the event of any subsequent conviction for the same offence, he shall be punished with a fine which may extend to hundred rupees. Sir, my contention is that the failure to display a token may be unintentional. A motor driver or a motor owner might have lost his token while travelling; but under this section he shall be punished with fine which may extend to twenty rupees. It is for this reason that I have moved my amendment, so that in certain cases when there is no intentional omission and for certain reasons it may not be possible to display the coupon in the manner prescribed by the Government, such omission shall not be punishable. I hope the Honourable Minister in charge of the Bill will accept this amendment.

Mr. Speaker : The motion moved is :—

That in the proposed section 16 (1), lines 4-5 between the words "rule" and "shall", the words "without sufficient cause" be inserted.

Minister for Public Works (The Honourable Major Malik Khizar Hayat Khan Tiwana): Sir, I am afraid I have to oppose this amendment. This is quite unnecessary. I will refer the honourable member to section 4, subsection (2) of the Act, where a grace of one month's period is already allowed. There is no question of anybody being penalised. He has been given sufficient time to say anything to the contrary. I am opposed to this amendment. It is quite unnecessary.

Sardar Kapoor Singh : Sir, my point is, suppose a person has lost his coupon on his way and he is hauled up by the police, in that case he should not be liable to a fine, because the loss of the coupon was unintentional. His failure to display the coupon was not intentional, but the coupon was lost on the way. Suppose there is an illiterate driver, he might not display his coupon or token in the form which has been prescribed by the Government. He might have displayed the token upside down. So, my point is that in certain cases where the failure to display the token in the manner prescribed, is not intentional, the persons involved should be exempted from punishment.

Mr. Speaker : Question is—

That in the proposed section 16 (1), lines 4-5, between the words "rule" and "shall" the words "without sufficient cause" be inserted.

The Assembly divided : Ayes 52, Noes 59.

AYES.

Ajit Singh, Sardar.
Baldev Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Faqir Chand, Chaudhri.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.

Harjab Singh, Sardar.
Jugal Kishore, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Chaudhri.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Hussain, Sardar.
Muhammad Iftikhar-ud-Din, Mian.
Mula Singh, Sardar.

Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Rur Singh, Sardar.
 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).
 Afzaalali Hasnie, Sayed.
 Ahmad Yar Khan, Chaudhri.
 Ali Akbar, Chaudhri.
 Amjad Ali Shah, Sayed.
 Ashiq Hussain, Captain.
 Bhagwant Singh, Rai.
 Chhotu Ram, The Honourable Chaudhri Sir.
 Dasaundha Singh, Sardar.
 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 Bahadur Maulvi.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 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.
 Mubarak Ali Shah, Sayed.

Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Nawaz Khan, Major Sardar Sir.
 Muhammad Shaif Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 Ram Sarup, Chaudhri.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib Chaudhri.
 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.
 Ujjal Singh, Sardar Bahadur Sardar.

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

That in the proposed section 16 (1), line 8, for the word "twenty", the word "ten" be substituted.

My amendment is to the proposed section 16 (1) which says :

"In making any rule under the preceding section the Provincial Government may direct that any person contravening the rule shall be punishable with fine which may extend to twenty rupees....."

What rule? This is a reference to the display of a token that will be required under section 8, which says :—

"Government may make rule to require that no motor vehicle shall be used in the Province unless a token is displayed thereon indicating that the tax has been duly paid....."

So on failure of display of a token in evidence of the payment of the tax, a motor driver or owner may be challaned and the Government may authorise the police to challan the motor driver or owner who has not displayed a token at a certain place and in a certain manner on the body of the motor vehicle. The fine here is too much. According to the existing practice for failure to display a token, I think, no fine is levied. Only a warning is given. So there should be, besides reduction in the amount of fine, a provision made to the effect that for the first failure to display the token, only a warning shall be given and if a second time, or the next day or the day after, the token is not displayed, then the fellow may be challaned. If he fails a second time he will not be let off but will be challaned and fined as proposed in this clause. Rupees 10 fine for failing to display the token is quite adequate punishment. You will see by going through the provisions of the Motor Vehicles Taxation Act that for plying motor lorry without paying the provincial tax a penalty is laid down under a certain section, but that is quite a different matter. If a lorry driver who has not paid the provincial tax up to a certain date continues to ply his lorry after that date he will be hauled up under a certain section of that Act, not under any rule but under a certain specified section he may be penalised. But this clause relates only to the failure to display the token. A lorry driver or an owner may have paid the tax : if he has not paid the provincial tax he will be hauled up under a certain section of the Act. This relates therefore only to those lorry drivers and owners who have paid the tax which is due to the provincial exchequer. If he fails to display the token in evidence of the payment it is merely a technical offence. The token may have been washed away or taken off somehow or other by wind or rain. He may not be able to display the token because he has not got the duplicate and yet he may ply the lorry. If he can prove that the token has been taken off by some accident he may be let off with a warning. But the point is that even for the first offence he is fined Rs. 20. I oppose it and propose that it may be reduced to Rs. 10 as the maximum punishment.

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

That in the proposed section 16 (1), line 8, for the word "twenty" the word "ten" be substituted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) :
Sir, I rise to support the amendment that has been moved by my honourable friend Sardar Hari Singh.

Mr. Speaker : May I remind the honourable member that the amendment, which has been moved by Sardar Hari Singh, relates to an earlier part of section 16 (1); while the honourable member's amendments 5, 6 and 7 relate to the later portion of the section?

Sardar Ajit Singh : My reason for supporting this amendment is that I do not want that owners of motor vehicles who somehow or other lose their coupons which they are required to display in token of the fact that they have paid the tax due from them, should be fined so heavily for a technical offence of this nature.

Mr. Speaker : That is repetition.

Sardar Ajit Singh : It is therefore my submission that if any owner of a motor vehicle who has paid the required tax loses his token through the action of wind or rain or in any other way, he should not be awarded so severe a punishment for merely a technical offence, as has been proposed in the Bill now before the House. In my opinion this fine should not be provided at all but rather a warning should be given to the defaulter as has been proposed in the Indian Motor Vehicles Act, 1939, in like technical offences, but in any case it should not be more than Rs. 10 as has been suggested by my honourable friend Sardar Hari Singh in his amendment. With these words I support the amendment now before the House.

Lala Bhagat Ram Choda (Jullundur, General, Rural) (Punjab) : Sir I rise to support the amendment now before the House. I think the imposition of a fine of Rs. 20 for a technical offence of this nature is too much. The fact of the matter is that the Honourable Minister in charge does not know as to what hardships will befall the motor drivers who would be unfortunate enough to lose their tokens through the action of elements or by any other way. If perchance the Honourable Minister loses his token I am sure no constable would dare to challan him. A person can only judge the severity of a punishment if he himself has to undergo it. In the circumstances it is all the more necessary for the Honourable Minister in charge of the Bill to think of those motor owners who would be punished so heavily for so harmless an offence like this. It would be but fair that this amount of fine should be reduced to ten rupees. With these words I support the amendment now before the House.

Minister for Public Works : Sir, I would like to say just a few words. There seems to be a misapprehension that this fine of Rs. 20 is going to be imposed in every case. This is the maximum limit: it may be less and there is nothing to prevent a court to let off a man with a lesser sentence if the circumstances warranted it. I would like to say that the present law, i.e. section 16 of the Motor Vehicles Act of 1914 provides in the first instance a fine of Rs. 100 and for the second offence a fine of Rs. 200. But under this Bill we have reduced that to Rs. 20 and Rs. 100. It is identical with the Bill passed by the Central Legislature which lays down Rs. 20 and Rs. 100 that is identical with the provision in this section. I have referred the honourable member to section 112 of the Motor Vehicles Act of 1939 and we are in good company with the Government of India and have reduced the fine from the existing provision in the Punjab Act. It is a concession and not as represented by the honourable member.

Mr. Speaker : Question is—

That in the proposed section 16 (1), line 6, for the word "twenty", the word "ten" be substituted.

The motion was lost.

Mr. Speaker : I think amendment No. 4 and the relevant parts of amendments No. 5 and No. 6 may be discussed together but they may be put to the vote of the House separately, if necessary.

Minister for Public Works : We have already discussed that in the case of the first conviction the fine shall be Rs. 20. Would these amendments which lay down lesser amounts be in order ?

Mr. Speaker : No.

Minister for Public Works : That applies to all these amendments.

Mr. Speaker : Amendments Nos. 5 and 6 are out of order in view of what has been decided just now, that is, the fine may extend to Rs. 20.

Diwan Chaman Lall : Therefore you may be pleased to permit the movers of these amendments to substitute the words 'five' in the one case and 'ten' in the other case for the amendment that has already been adopted, that is the figure of 'twenty'.

Mr. Speaker : I allow the honourable member to first move amendment No. 4, because it is not affected by the decision of the House. Amendment No. 3 can be moved after the amendment No. 4 is disposed of.

Minister for Public Works : We have already laid down Rs. 20 as a fine for the first offence. If you remove Rs. 100 that would mean that no fine is left for the subsequent offence.

Diwan Chaman Lall : May I suggest that the difficulty that we are faced with would be got over by your permitting my honourable friend Sardar Ajit Singh to move an amendment to his own amendment.

Mr. Speaker : I cannot allow that as the suggested amendment would go beyond the scope of the original amendment.

Diwan Chaman Lall : That is exactly what I am suggesting. Not only would the amendment not change the substance of it but incorporate the substance of the amendment already passed.

Mr. Speaker : That would practically be a new amendment.

Diwan Chaman Lall : Unfortunately I am not making myself clear. I have suggested that we have passed an amendment which stipulates that the fine shall be Rs. 20 and the maximum fine Rs. 100. That is the amendment we have passed as being the punishment for the first offence and for any subsequent offence respectively.

Mr. Speaker : I understand what the honourable member means. If the Honourable Member in charge of the Bill has no objection, I have none ; but I cannot allow an entirely new amendment.

Minister for Public Works : I have already stated that we have already decided the question and it would be reopening the whole question over again.

Mr. Speaker : Amendment No. 4 is in Sardar Kartar Singh's name, but he is absent. So, we now come to amendment No. 3. That amendment lays down Rs. 20 as fine in the first instance; but no fine for the second conviction?

Dr. Gopi Chand Bhargava : You can say that in the argument, but it cannot be out of order.

Minister : If a man is convicted for the first offence, the House has decided that a fine up to Rs. 20 should be levied. If the person is convicted of the same offence twice, would it be logical and consistent for this House to lay down that he shall not be punished at all? Then there will be no conviction for the second offence. It is inconsistent.

Mr. Speaker : Read clause 16 (1). It says :

In making any rule under the preceding section the provincial Government may direct that any person contravening the rule shall be punishable with fine which may extend to twenty rupees, and in the event of any subsequent conviction for the same offence, with a fine which may extend to a hundred rupees.

Now if the last portion is omitted, where is the inconsistency? There is absolutely no inconsistency.

Dr. Gopi Chand Bhargava : Moreover the words "first conviction" are not here.

Sardar Hari Singh : Sir, I move my amendment which reads as follows :—

That in the proposed section 16 (1), lines 7—11, the words, "and in..... hundred rupees" be deleted.

Mr. E. Few : On a point of order. May I ask the honourable member to substitute as a punishment for the 2nd and 3rd offences two ounces of castor oil? (*Laughter.*)

Mr. Speaker : It is not a point of order.

Diwan Chaman Lall : It may be a pint of order but not a point of order. (*Laughter.*)

Sardar Hari Singh : Now the substitution of Rs. 10 for Rs. 20 which is a most important penalty in this clause has been rejected by my honourable friend's majority. What this amendment seeks to do is to have for the 2nd or 3rd or 4th or even a hundredth offence for which there is no probability, a fine which shall not exceed Rs. 20. Unless my honourable friend wants to help the Honourable Finance Minister by meeting the deficit in the budget by penalising the lorrywalas, there is no sense in this clause. There is no logic in it and there is no fairplay. For a mere technical offence you get Rs. 20 for the first offence and then if the same technical offence which may be that the token has not been placed at the right place and in the right manner and in the right fashion, is committed a second time or a third time, my friend wants to impose a fine of Rs. 100 so as to fill in the coffers of my honourable friend the Finance Minister. If they want to make up the deficit, then they may turn to the recommendations of the Resources and Retrenchment Committee and cut down the expenses of the top-heavy administration, cut down the salaries and allowances and

[S. Hari Singh.]

so on and so forth and may find other avenues or further resources. But this is not the way in which you can work this Act or these rules properly. Twenty rupees, a most important penalty, is already there and for a second or subsequent offence you want to raise it to Rs. 100. That is extremely harsh. That is monstrous. Therefore this modest amendment of mine ought to be acceptable to my friends opposite, if the object of the law is not to make money out of the lorrywallas and I am sure that is not the object of the Bill. The object is to prevent repetition of offences. If you get Rs. 20 out of a man which is the maximum limit, for the first offence, then no driver or lorry-owner in his senses, unless he is out to ruin his home, ruin his finances and ruin himself, will repeat the offence deliberately. Therefore Rs. 20 for the repetition of the offence, which is the maximum fixed for the first offence, is quite adequate.

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

That in the proposed section 16 (1), lines 7—11, the words “and in..... hundred rupees” be deleted.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*).
Sir, I am sorry to say that you did not allow me to move the amendment that stands against my name.

Mr. Speaker : Will the honourable member please speak to the motion.

Sardar Ajit Singh : Very well, Sir. My submission is that a person who will be punished with a fine of Rs. 20 for contravening the rules would never commit the folly again. He would be more careful in future in this respect. There is a well-known Punjabi saying—

دوہ دا جانا چھاپہ نہیں دی ہوئی پھوٹک ۽ پندا —

In fact a person who has been punished simply because of his failure to display a token on his motor vehicle would take particular care in future not to repeat the offence. So I think the words “and in the event of any subsequent conviction for the same offence, with a fine which may extend to a hundred rupees” are absolutely redundant, and, therefore, they should be deleted. With these words I support the amendment moved by my honourable friend Sardar Hari Singh.

Mr. Speaker : The question is—

That in the proposed section 16 (1), lines 7—11, the words “and in..... hundred rupees” be deleted.

The Assembly divided : Ayes 25, Noes 50.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Chaman Lall, Diwan.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Gopi Chand Bhargava, Dr.
Hari Lal, Munshi.
Hari Singh, Sardar.

Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.

Partab Singh, Sardar.
Prem Singh, Mahant.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sar-
dar.

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 (Gurdas-
pur).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
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.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Het Ram, Rai Sahib Chaudhri.
Inder Singh, 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 Amin, Khan Sahib
Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Faiyaz Ali Khan,
Nawabzada.
Muhammad Hassan Khan Gar-
chani, Khan Bahadur Sardar.
Muhammad Nawaz Khan, Major
Sardar Sir.
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.
Pir Muhammad, Khan Sahib Chau-
dhri.
Ram Sarup, Chaudhri.
Ripudaman Singh, Rai Sahib
Thakur.
Shah Nawaz, Mrs. J. A.
Sikander Hyat-Khan, The Honour-
able Major Sir.
Sundar Singh Majithia, The Hon-
ourable Dr. Sir.
Suraj Mal, Chaudhri.
Ujjal Singh, Sardar Bahadur Sar-
dar.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) : Sir I beg to move—

That leave be granted to move the following new clause—

That at the end the following new sub-clause be added—

"(3) where any person is accused of an offence under sub-clause (1) of clause 15, it shall be lawful for him to pay to the prescribed officer, by way of composition for such offence, a sum of money not exceeding such amount as may be prescribed, together with the amount of tax, if any, which may be due from him. Such composition shall have the effect of an acquittal and no further proceedings shall be taken against such person in respect of such offence."

The Assembly divided : Ayes 22, Noes 50.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Chanan Singh, Sardar.
Dev Raj Sethi, Mr.
Duni Chand, Lala.
Hari Lal, Munshi.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Muhammad Abdul Rahman Khan,
Chaudhri.

Muhammad Iftikhar-ud-Din, Mian.
Mula Singh, Sardar.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sar-
dar.
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 (Gurdas-
pur).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Ashiq Hussain, Captain.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable
Chaudhri Sir.
Dasaundha Singh, Sardar.
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 Ba-
hadur Maulvi.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur
Sardar.
Het Ram, Rai Sahib Chaudhri.
Indar Singh, Sardar.

Karamat Ali, Shaikh.
Khizar Hayat Khan Tiwana, The
Honourable Major Nawabzada
Malik.
Maqbool Mahmood, Mir.
Muhammad Akram Khan, Khan
Bahadur Raja.
Muhammad Amin, Khan Sahib
Shaikh.
Muhammad Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan, Na-
wabzada.
Muhammad Hassan Khan Gur-
chani, Khan Bahadur Sardar.
Muhammad Nawaz Khan, Major
Sardar Sir.
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.
Pir Muhammad, Khan Sahib Chau-
dhri.
Pritam Singh Siddhu, Sardar.
Ram Sarup, Chaudhri.
Shah Nawaz, Mrs. J. A.

Sikander Hyat-Khan, The Honour- able Major Sir.	Suraj Mal, Chaudhri.
Sundar Singh Majithia, The Hon- ourable Dr. Sir.	Ujjal Singh, Sardar Bahadur Sar- dar.

The Assembly then adjourned till 12 noon on Wednesday, 21st February;
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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 21st February, 1940.

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

STARRED QUESTIONS AND ANSWERS.

EXEMPTION OF A HOUSE OF AN AGRICULTURIST FROM ATTACHMENT IN EXECUTION OF A DECREE.

***5937. Khan Bahadur Raja Muhammad Akram Khan :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the attention of the Government has been drawn to the recent ruling of a Full Bench of the Lahore High Court, reported in All-India Reporter 1939, Lahore 888, in which it has been held *inter alia* that a person whose income from agricultural rents or other sources exceeds the income which he might be deriving from tilling soil with his own hands would not be an agriculturist within the meaning of Section 60 (1) (c) of the Code of Civil Procedure which exempts the house of an agriculturist from attachment and sale in the execution of decrees ;

whether Government is aware of the fact that there are at least two other previous rulings of the Lahore High Court in which it has also been held that an agriculturist, notified as such under Section 4 of the Punjab Alienation of Land Act, XIII of 1900, is not necessarily an agriculturist within the meaning of Section 60 of the Code of Civil Procedure so as to be able to claim exemption for his house from attachment and sale in execution of any decree ;

- (c) whether the question of defining the word "agriculturist" for the purposes of Section 60 (1) (c) of the Code of Civil Procedure, 1908 and Section 85 of the Punjab Relief of Indebtedness Act so as to bring persons notified as agriculturists under Section 4 of the Punjab Alienation of Land Act, XIII of 1900, within the protection sought to be given to such persons by Section 60 of the Code of Civil Procedure and Section 85 of the Punjab Relief of Indebtedness Act has so far engaged the attention of Government, and, if so, with what results ?

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

(b) I shall be grateful if the honourable member will kindly quote the rulings to which he refers. I have failed to trace them.

(c) Yes. The attention of the honourable member is invited to the Government Bill published on page 1484 *Punjab Government Gazette*, dated the 13th October, 1939, dealing with the subject.

DESTRUCTION OF COTTON CROP BY *TIRRAK*.

***5960. Mian Sultan Mahmud Hotiana:** Will the Honourable Minister for Revenue be pleased to state whether he is aware of the fact that the present cotton and narma crops in the province have been completely destroyed by *Tirrak*; if so, what action, if any, Government has taken or proposes to take to give relief to the zamindars affected thereby?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): The situation is not so bad as the honourable member suggests. In this connection attention is invited to the statement made by me on the floor of the House on 12th December, 1939. Fortunately a marked improvement took place in the latter half of December.

Where reports are complete and remissions justified, they have been granted under the existing rules but in certain areas further enquiry is being made.

Mian Sultan Mahmud Hotiana: May I ask the Parliamentary Secretary if an expert officer has been appointed at Lyallpur to carry on research in connection with this cotton disease known as *Tirrak* (سجی)?

Parliamentary Secretary: I would like to have notice of this question.

Mian Sultan Mahmud Hotiana: Has the Parliamentary Secretary absolutely no knowledge of this research or the appointment?

Parliamentary Secretary: I want notice.

REPORTS OF FOREST COMMISSION, UNEMPLOYMENT COMMITTEE AND REVENUE COMMITTEE.

***5964. Khan Muhammad Yusuf Khan:** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that the Reports of the Forest Commission, Unemployment Committee and the Revenue Committee have long since been published;

(b) if the reply to (a) above be in the affirmative, whether the Government intends to place these reports before the House for discussion, if so, when and in case they do not intend to place them or any of them before the House for discussion, reasons therefor?

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

(b) 8th and 9th February, 1940, were fixed for discussion of the Unemployment Committee report in the House. Similarly 4th and 5th March, 1940, have been fixed for the Land Revenue Committee Report. Regarding the Forest Commission Report the attention of the honourable member is invited to the answer given to question No. *4099* by Lala Duni Chand in January, 1939, according to which the honourable member could draw attention to any particular point in the report during the discussion on the Budget.

Chaudhri Muhammad Hassan: Will the Parliamentary Secretary kindly state if he has examined the Report of the Unemployment Committee?

Parliamentary Secretary: Certainly, the Government have studied the Report.

Chaudhri Muhammad Hassan: I ask whether the Parliamentary Secretary has himself studied the Report.

Parliamentary Secretary: I believe I have.

Lala Duni Chand: Is it true that delay in submitting this Report for discussion by this House has defeated the very object that was in view?

Parliamentary Secretary: This is a matter of opinion.

Lala Duni Chand: Does the Parliamentary Secretary think that the delay which has already occurred is too much?

Parliamentary Secretary: Which Report does my honourable friend refer to?

Lala Duni Chand: It is covered by the question. Cannot the Parliamentary Secretary see?

Parliamentary Secretary: Which Report does the honourable member refer to?

Sardar Hari Singh: They have no eyes.

Mian Sultan Mahmud Hotiana: Will this discussion take place in the manner in which the Unemployment Committee's Report was discussed, that is, will a separate day be allotted for its discussion?

Parliamentary Secretary: Two days have been fixed for its discussion.

APPLICATION FOR NOTIFICATION AS AN AGRICULTURAL TRIBE.

*5993. **Rai Bahadur Lala Gopal Das:** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total number and the names of the persons community-wise, who applied during the last two years for being declared as statutory agriculturists as claiming to fulfil all the conditions necessary for Tribe to be declared as belonging to statutory agricultural tribes;

[R. B. L. Gopal Das].

- (b) the caste to which each applicant belonged and the caste to which he claims to belong at present;
- (c) the number of persons, community-wise, among the applicants whose applications have so far been accepted?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): It is against the policy of Government to answer questions savouring of communalism on the floor of the House. Moreover, the preparation of this information would require an amount of time and labour out of all proportion to the results obtainable.

VOTING OF MONEY FOR WAR BY CO-OPERATIVE UNIONS IN THE PUNJAB.

***5510. Sardar Sohan Singh Josh:** Will the Honourable Minister for Development be pleased to state—

- (a) the number and names of the co-operative unions, district-wise, throughout the Punjab that have voted for contribution towards the war;
- (b) the sum voted by each co-operative union;
- (c) the total amount thus collected for war purposes?

The Honourable Chaudhri Sir Chhotu Ram: Government have no information. Co-operative Unions are autonomous bodies and Government have no hand in their internal administration.

GRANT OF LANDS TO ZAMINDARS IN MAKHDUM VINOI FOREST AREA.

***5671. Khan Haibat Khan Dahi:** Will the Honourable Minister of Development be pleased to state—

- (a) whether it is a fact that Makhdum Vinoi Forest area was, a very long time ago, acquired by Government for afforestation from the zamindars in the neighbourhood of the forest who were promised at that time that due consideration would be given to their claims for grant of land in the said area whenever the land under forest would be brought under cultivation;
- (b) whether it is also a fact that it has now been decided to bring this under cultivation;
- (c) if the answer to (a) and (b) above be in the affirmative, whether it is intended to fulfil the promise referred to in paragraph (a) of the question?

The Honourable Chaudhri Sir Chhotu Ram: (a) *First part.*—Rakh Makhdum Vinoi was declared to be a reserved forest,—vide Punjab Government notification No. 114-F., dated the 6th March, 1879. The land was not acquired but exchanged with Government land.

Second part.—There is no record of any promise having been given to the zamindars. But Government land having already been given in exchange such a promise seems unlikely.

(b) Yes.

(c) Does not arise.

AMOUNT OF MONEY SPENT ON POULTRY FARM, GURDASPUR.

***5766. Sardar Sohan Singh Josh :** Will the Honourable Minister of Development be pleased to state—

- (a) the amount spent on the staff of the Poultry Farm, Gurdaspur, from 1st January, 1939, to 30th June, 1939;
- (b) the sum spent during the same period on buying fowls of new species;
- (c) the number of new poultry farms, if any, opened in the adjoining villages along with the names of the villages?

The Honourable Chaudhri Sir Chhotu Ram : (a) A sum of Rs. 3,986 was spent on the staff employed at the Poultry Farm from 1st January, 1939 to 30th June, 1939. The figures include the pay of the Poultry Expert.

(b) Nothing was spent on the purchase of fowls of new species during the above-noted period.

(c) There is only one poultry farm in the village Nanu Nangal adjoining Gurdaspur.

SALE OF RIGHTS BY CREDITORS IN BHAKKAR TAHSIL TO PEOPLE BELONGING TO NORTH-WEST FRONTIER PROVINCE.

***5770. Mian Abdul Rab :** Will the Honourable Minister for Development be pleased to state whether it has been brought to the notice of the Government that many creditors in the Bhakkar tahsil of the Mianwali district sell their rights to those persons of the neighbouring district, Dera Ismail Khan, in the Frontier Province to oust the jurisdiction of the Debt Conciliation Board, Bhakkar; if so, the action Government propose to take in the matter?

The Honourable Chaudhri Sir Chhotu Ram : *First part.*—Yes.

Second part.—The matter is receiving the attention of Government.

PUNJAB RELIEF OF INDEBTEDNESS ACT.

***5771. Mian Abdul Rab :** Will the Honourable Minister for Development be pleased to state—

(a) whether it is a fact that there are no provisions in the Punjab Relief of Indebtedness Act (Part IV) whereby the debt conciliation boards are authorised to reject the claim of the applicant where it finds that the creditor has already realised double the amount of his original advance;

(b) if the answer to (a) above be in the affirmative, what action, if any, does Government intend to take?

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

(b) The point raised requires very careful consideration and will be examined shortly.

TRAVELLING ALLOWANCE PAID TO MEMBERS OF DEBT CONCILIATION
BOARDS.

*5772. **Mian Abdul Rab :** Will the Honourable Minister for Development be pleased to state whether representations have been made to the Government that the amount of the fixed travelling allowance paid to the members of the debt conciliation boards in the province is not sufficient ; if so, what action, if any, the Government has taken or intends to take on these representations ?

The Honourable Chaudhri Sir Chhotu Ram : *First part.*—No.
Second part.—Does not arise.

FICTITIOUS CLAIMS BEFORE THE DEBT CONCILIATION BOARDS.

*5775. **Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister of Development be pleased to state—

- (a) whether the Government is aware of the fact that a large number of fictitious creditors in collusion with the debtors put forward fictitious claims before the debt conciliation boards of the province ; if not, whether they intend to make inquiries from the various conciliation boards in this connexion ?
- (b) whether any boards have taken action against such debtors who falsely verified fictitious claims or against such creditors who swore to them ; if so, in how many cases and the action that was taken in each case ; if not, reasons therefor ?

The Honourable Chaudhri Sir Chhotu Ram : (a) *First part.*—No.
Second part.—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.

(b) Does not arise.

TRAVELLING ALLOWANCE TO MEMBERS OF THE DEBT CONCILIATION
BOARDS, JHELUM.

*5776. **Rai Bahadur Mukand Lal Puri :** Will the Honourable Minister of Development be pleased to state—

- (a) whether the members of debt conciliation boards get travelling allowance for holding sittings away from headquarters ;
- (b) whether the Government is aware of the fact that creditors and debtors belonging to one part of the district are given dates of hearing in other parts of the district far away from their homes ?

The Honourable Chaudhri Sir Chhotu Ram : (a) No. Apart from the fixed travelling allowance of Rs. 75 per mensem each in case of the four old Boards and Rs. 50 per mensem each in case of the new Boards, the Chairman and Members of the Boards are not entitled to any other travelling allowance.

(b) No.

PLACES VISITED BY THE DEBT CONCILIATION BOARD, JHELUM.

***5777. Rai Bahadur Mukand Lal Puri:** Will the Honourable Minister for Development be pleased to state—

- (a) the names of the various places visited by the Debt Conciliation Board, Jhelum, in the months of July and August, 1939, and the time which was spent there each time;
- (b) whether any litigants were called to these places by the Debt Conciliation Board, Jhelum, from distant places situated on the other side of its headquarters;
- (c) how many 'creditors' claims have been dismissed by the Debt Conciliation Board, Jhelum, on the ground of their absence in cases mentioned in (b) above?

The Honourable Chaudhri Sir Chhotu Ram: (a) A statement is laid on the table.

(b) No.

(c) Does not arise.

Statement showing the places visited by the Debt Conciliation Board, Chakwal, during the months of July and August, 1939.

Name of station.					Number of days spent.
1. Bhaun	..	..	..	..	1
2. Kalar Kahar	..	..	..	..	3
3. Dohman	..	..	..	..	3
4. Rupwal	..	..	..	..	3
5. Dhadial	..	..	..	..	2

LOUD SPEAKERS.

***5857. Sardar Sohan Singh Josh:** Will the Honourable Minister of Development be pleased to state—

- (a) whether the Rural Reconstruction Department has any loud speakers; if so, how many;
- (b) for what purposes are they used;
- (c) whether any set belonging to the Rural Reconstruction Department was used at the Niaz Beg Conference in the Lahore district;
- (d) if the reply to the above be in the affirmative, the department which met the expenses incurred on it?

The Honourable Chaudhri Sir Chhotu Ram: (a) Yes, three.

(b) For chiefly rural reconstruction propaganda.

(c) Yes.

(d) By the rural reconstruction department.

Sardar Sohan Singh Josh: May I know whether loud speakers were used in the conference held at Niaz Beg?

Minister: Yes.

Sardar Sohan Singh Josh : Why were the loud speakers belonging to the Rural Reconstruction Department used in the conference ?

Minister : Possibly the conference, besides other matters, might have discussed many things bearing on this department also.

Sardar Sohan Singh Josh : May I know if this conference was a party meeting of the Unionists ?

Minister : No. It was not a party meeting. If my honourable friend had been present at the conference he would have come to know of the matters discussed there.

Sardar Sohan Singh Josh : Will the Honourable Minister please tell us as to what matters were discussed there ?

Minister : It will require a lot of time to recapitulate all the things discussed at that conference. But I may inform my honourable friend that on the 25th instant another conference is going to be held at Jagraon. He can avail himself of this opportunity to hear what matters in general receive attention at such conferences.

Dr. Sant Ram Seth : May I know if anything was said against the Congress in that conference ?

Minister : I have no recollection about it. It is quite possible that certain charges generally levelled by the Congress against the Punjab Government were answered.

Sardar Sohan Singh Josh : May I know if the expenses for setting up loud speakers in that conference were incurred by the Rural Reconstruction Department ?

Minister : Of course. The Rural Reconstruction Department did bear these expenses.

Lala Duni Chand : Are these loud speakers used for political or party purposes ?

Minister : Not for party purposes.

Lala Duni Chand : Am I to understand that they were not used for semi-political purposes ?

Minister : There are so many things which are purely political or semi-political which must have been discussed at this conference.

Lala Duni Chand : Is it quite honest to use these loud speakers for party purposes ?

Mr. Speaker : Disallowed.

Minister : The honourable member's insinuation is not honest.

Pandit Muni Lal Kalra : In view of the fact that the Honourable Minister has extended an invitation to Sardar Sohan Singh Josh to attend the Jagraon conference, may I know whether Government is going to make any announcement ?

Minister : I am not aware of any likelihood of any particular announcement being made.

Pandit Muni Lal Kalra : But only a short while ago the Honourable Minister invited Sardar Sohan Singh Josh to attend the Jagraon conference

Minister : I never extended any invitation to any particular honourable member. But all the same everybody is welcome there. Even my honourable friend could attend it.

Lala Duni Chand : Does the plan of rural reconstruction include also political propaganda ?

Mr. Speaker : Disallowed, as it does not arise out of the answer to the question.

Lala Duni Chand : The question relates to certain loud speakers and for what purpose they were used. Certainly my supplementary question is within the scope of the question.

Mr. Speaker : The honourable member should be fair in asking his questions.

Sardar Sohan Singh Josh : May I know under whose auspices (*sarprasti*) this conference was held ?

Minister : There is no question of *sarprasti*. However I may inform my honourable friend that this conference was held under the Presidency of Khan Bahadur Mian Ahmed Yar Khan Daulatana and those who delivered speeches included the Honourable Premier and myself.

Pandit Shri Ram Sharma : May I know who made arrangements for holding this conference ?

Minister : The zamindars of the *ilaga*.

Pandit Shri Ram Sharma : Was the arrangement of loud speakers made by the Rural Reconstruction Department ?

Minister : The honourable member should not lose sight of the fact that this department is under the Punjab Government. Whenever questions relating to the policy, programme and administration of the Government are discussed at conferences these loud speakers are used.

Pandit Shri Ram Sharma : May I know whether this conference was convened by a section of the Unionist Party ?

Minister : I have already stated that the zamindars of the *ilaga* were responsible for holding this conference.

Pandit Shri Ram Sharma : May I know whether the zamindars of the *ilaga* concerned subscribe to the views of the Unionist Party ?

Minister : The majority of the zamindars, probably 90 per cent of them, are at one with the Unionist Party ?

Sardar Sohan Singh Josh : May I know if the help of patwaris, lambardars, thanedars, tahsildars, etc., was enlisted in order to make this conference a success ?

Minister : There is not an iota of truth in this statement. It is purely an obsession on the part of some of our opponents.

Diwan Chaman Lall : May I ask my honourable friend to give a reply to the question put by Sardar Sohan Singh Josh ? Is it a fact that the tahsildars, zaildars, lambardars and patwaris of that area were utilised for this purpose ?

Minister : There is no truth in this suggestion.

Diwan Chaman Lall : Is it not a fact that the tahsildars, zaildars, lambardars and patwaris of that area did actually participate in that meeting?

Minister : I do not think so.

Diwan Chaman Lall : May I inform my honourable friend that his information is incorrect? Is it a fact that even certain sub-judges adjourned their cases and attended that conference?

Minister : I do not know. A copy of the order of those sub-judges will be very helpful in this matter.

Diwan Chaman Lall : Is it a fact that a senior sub-judge of Lahore actually adjourned his cases and attended this conference? Was it under the instructions of the Ministry?

Minister : I have no information about any adjournment of cases.

Diwan Chaman Lall : May we take it that the arrangements were made not by my honourable friend but by the Chief Secretary of the Unionist Party, Khan Bahadur Mian Ahmad Yar Khan Daulatana?

Minister : There were so many people who were responsible for making arrangements for the holding of this conference.

Lala Duni Chand : In what way did this conference contribute to the object of rural reconstruction?

Minister : I cannot possibly recapitulate all the subjects which were discussed at this conference, but there must be a number of subjects which bore on the question of rural reconstruction.

Lala Duni Chand : Granting that there was madness on this side to put the question, may I know if it is an act of political sanity or political honesty to use those loud speakers for such purposes?

Mr. Speaker : I disallow this question.

Lala Duni Chand : Sir, with reference to the remark of my honourable friend that it was an act of madness on this side to put the question, am I not justified in pointing out the political sanity or honesty on that side?

Dr. Sant Ram Seth : Will the Honourable Minister please throw some light as to who incurred the expenses for holding this conference; whether it was the Unionist Party or the Punjab Government?

Minister : How did my honourable friend come to the conclusion that the expenses were borne by the Government? Let me inform him that this conference was arranged by the zamindars of the *ilaga* and in order to make it a success a reception committee was formed. This committee must have collected money by means of private subscriptions to meet the expenses in connection with the conference.

Dr. Sant Ram Seth : May I know why the Honourable Minister made use of the loud speakers when they belonged to the Rural Reconstruction Department?

Minister : I have already stated that the Rural Reconstruction Department is a part of the administrative machinery and loud speakers belonging to this department can be utilised for government purposes. Ministers utilised this occasion for removing certain misconceptions which my honourable friends oppositely create in the minds of the public.

As it is the bounden duty of the Government to place its programme and policy before the people, it is only fair and just that Government should utilise these loud speakers.

Dr. Sant Ram Seth : Is it a fact that Government have created more misunderstanding in an attempt to remove it?

Minister : No. Government have succeeded in removing most of the misapprehensions caused by my honourable friends opposite in the minds of the public, and that is why the number of Congress supporters is dwindling fast.

Pandit Shri Ram Sharma : May I know whether for the purpose of holding conferences the loud speakers are made available to zamindars of all shades of opinion or only to those who hold views of the Unionist Party?

Minister : Nobody is allowed to use the Government loud speakers for other than Government purposes. The Honourable Premier, myself and other Honourable Ministers can utilise them for the purposes which I have explained.

Pandit Shri Ram Sharma : May I take it that wherever the Honourable Premier or the Honourable Minister for Development have to deliver speeches, he utilises these loud speakers?

Premier : My honourable friend appears to be labouring under some misconception. He must bear in mind that when the Ministers go on tour and make use of the loud speakers while making speeches, they do so in the capacity of members of the Government. It is a pity that my honourable friends over there lose sight of the fact that in the neighbouring provinces not only the Ministers but also eminent leaders utilise the Government loud speakers and their speeches are published at Government expense. My honourable friend would be well advised to desist from throwing stones at others while sitting in a glass house.

Pandit Shri Ram Sharma : May I take it that this Government is following in the footsteps of other governments?

Premier : No.

Diwan Chaman Lall : May I ask my honourable friend to name the case of one single Congress leader who has utilized Government property for his own personal purpose or party purpose?

Premier : My honourable friend is asking for details. I do not want to go into them, but if my honourable friend comes to me and speaks to me I will be able to name not only leaders but eminent leaders.

Diwan Chaman Lall : May I make a suggestion that this information like the information about the United Provinces Government not being able to raise a loan is absolutely incorrect?

Premier : That information was correct, and this is also correct.

DEBTORS DECLARED FICTITIOUS BY THE CIVIL COURTS, JHANG.

*5906. **Mr. Dev Raj Sethi :** Will the Honourable Minister for Development be pleased to state—

- (a) the total number of cases filed in the civil courts, Jhang, for declaring those creditors as fictitious who submitted to the

[Mr. Dev Raj Sethi].

Debt Conciliation Board, Jhang, false particulars of bogus debts for collusive settlement during 1935 to 1st April, 1939 ;

- (b) the number and percentage of "debtors" declared fictitious by the civil courts, Jhang, as a result of their findings ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 145 cases, involving 205 debtors.

(b) 100 debtors were declared by the civil courts to be fictitious, out of the 205 involved.

LIQUIDATED CO-OPERATIVE SOCIETIES, ROHTAK AND KARNAL DISTRICTS.

***5909. Pandit Shri Ram Sharma :** Will the Honourable Minister for Development be pleased to state—

- (a) the number and names of the co-operative societies which have been liquidated in districts of Rohtak and Karnal since 1st April, 1937 ;
- (b) total amount of debts so liquidated and the amount of debts realised after liquidation ;
- (c) how many members who were not personally indebted to co-operative societies were made to pay the amount of debt so realised after liquidation under the plea of joint responsibility ?

The Honourable Chaudhri Sir Chhotu Ram : (a), (b) and (c). A statement showing the required particulars is attached herewith.

Statement.

	Rohtak district. (37)	Karnal district. (40)
(a) Number and names of the Cooperative Societies which have been liquidated in districts of Rohtak and Karnal since 1st April, 1937.	<ol style="list-style-type: none"> 1. Maraundhi Jattan. 2. Dobb. 3. Rurki Maran. 4. Makrauli Khurd. 5. Kheri Jat. 6. Kheri Jat P. Gokal. 7. Lohari. 8. Lohari P. Chachan. 9. Lohari P. Chachan II 10. Sahlawawas P. Mohan Lal. 11. Jahazgarh P. Muslamanan. 	<ol style="list-style-type: none"> 1. Padhan P. Hamayun. 2. Padhana P. Shahzada. 3. Bir Nihana. 4. Biana. 5. Barsat. 6. Faridpur P. Qasim. 7. Tharwa Majra. 8. Bajida Jatan. 9. Bhosli. 10. Gularpur. 11. Kambohpora.

	Rohtak district. (37)	Karnal district. (40)
(a) Number and Names of the Cooperative Societies which have been liquidated in districts of Rohtak and Karnal since 1st April, 1937.	<p>12. Jahazgarh P. Bahadur Ali.</p> <p>13. Bhupanian P. Pheran.</p> <p>14. Jakhauda.</p> <p>15. Mehndipur.</p> <p>16. Bahamnauli.</p> <p>17. Sahlawas.</p> <p>18. Garhi Jhajara P. Dalan.</p> <p>19. Nahri.</p> <p>20. Khewra P. Himat.</p> <p>21. Depalpur.</p> <p>22. Jatheri.</p> <p>23. Jakholi Patharwara.</p> <p>24. Sonapat Malian Tibri.</p> <p>25. Kabirpur.</p> <p>26. Sikandarpur Majra.</p> <p>27. Kahni 7½ Biswa.</p> <p>28. Farmana Malian.</p> <p>29. Nidhana Thola Bajit.</p> <p>30. Ajaib Brahmanan.</p> <p>31. Anwali Bahadran.</p> <p>32. Khanpur Kalan.</p> <p>33. Bichpari Jattan..</p> <p>34. Farmana Dasian.</p> <p>35. Ajaib Lekh Ram.</p> <p>36. Saragthal.</p> <p>37. Mokhra Kheri.</p> <p>Raju Consolidation of Holdings.</p>	<p>12. Khersipur.</p> <p>13. Manak Majra.</p> <p>14. Dabri.</p> <p>15. Lakheri P. Khubran.</p> <p>16. Radaur Rajputan.</p> <p>17. Kurdban.</p> <p>18. Chhalaudi.</p> <p>19. Khajuro.</p> <p>20. Hartan.</p> <p>21. Ramsaran Majra P. Rehlu.</p> <p>22. Chandana.</p> <p>23. Geong.</p> <p>24. Segs.</p> <p>25. Naraina P. Chamaran.</p> <p>26. Debra P. Nadan.</p> <p>27. Patti Kalyana P. Gujran.</p> <p>28. Manawa.</p> <p>29. Jaurasi Khalsa.</p> <p>30. Goda Kalan.</p> <p>31. Rishpur.</p> <p>32. Jalmana P. Kupa.</p> <p>33. Jalmana P. Sadhan.</p> <p>34. Chhajpur Kalan.</p> <p>35. Shahpur.</p> <p>36. Nain.</p> <p>37. Bhaupur.</p> <p>38. Bapauli P. Tarli.</p> <p>39. Samlka P. Brahmana.</p> <p>40. Diwana P. Chamaran.</p>

	Rohatak district.	Karnal district.
(b) Total amount of debts so liquidated and the amount of debts realised after liquidation.		
(1) Amount liquidated	2,60,820	1,29,149
(2) Amount realized ..	6,528	6,452
(c) How many members who were not personally indebted to Co-operative Societies were made to pay the amount of debt so realized after liquidation under the plea of joint responsibility ?		
(1) Number of members upon whom unlimited liability enforced.	3	68
(2) Amount recovered from them.	210	3,314

PERMISSION TO BE REPRESENTED BY A LAWYER BEFORE DEBT CONCILIATION BOARD, JHANG.

***5932. Mr. Dev Raj Sethi :** Will the Honourable Minister for Development be pleased to state —

- in how many cases did the parties appearing before the Conciliation Board, Jhang, seek the permission of the Board to be represented by a lawyer during the last four years under section 24 of Relief of Indebtedness Act ;
- in how many of these cases the necessary permission was granted ;
- in how many cases was it refused and the reasons for the refusal to grant such permission ?

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

(b) 5.

(c) Six. It is within the discretion of the Board to refuse permission and the Board is not compelled to record its reasons for doing so.

CASES FILED BY DEBTORS BEFORE DEBT CONCILIATION BOARD, JHANG.

***5933. Mr. Dev Raj Sethi :** Will the Honourable Minister for Development be pleased to state—

- the number of cases, during 1935—38, filed by debtors in the Debt Conciliation Board, Jhang, in respect of debts decreed by a civil court ;

- (b) the number of cases in which the creditor was ordered by the Board to produce previous accounts on which decree was based in defiance of proviso to section 14 (1) of the Relief of Indebtedness Act during the same period;
- (c) the number of decretal debts declared to have been wiped off by the said conciliation board during this period?

The Honourable Chaudhri Sir Chhotu Ram : The information is not readily available and the amount of labour and time involved in its collection would not be commensurate with the results achieved.

MONEY ALLOTTED FOR RURAL DEVELOPMENT IN PROVINCE.

***5976. Khan Muhammad Yusuf Khan :** Will the Honourable Minister for Development be pleased to state—

- (a) the amount of money allotted for the rural development in the province last year ;
- (b) district-wise the number of tahsils selected in the province for carrying out the rural uplift programme ;
- (c) the number of veterinary hospitals and rural dispensaries with their respective localities, if any, started out of that fund ;
- (d) the number of village schools opened or aided from that amount with their respective localities ;
- (e) the names and number of villages in which sanitary conditions have been improved along with the names of the districts wherein they are situated ;
- (f) the names of localities, if any, in which arrangements of water supply have been made out of that fund so far ;
- (g) whether it is a fact that the breaking out of war has adversely affected the scheme of rural development and retarded the progress ; if so, the alternative course, if any, so far adopted by the Government for the benefit of the rural areas ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Rs. 6 lakhs.

(b) One tahsil in each district (except Simla) was selected for carrying out the rural uplift programme.

(c) None.

(d)—(f). Two statements giving the required information are placed on the table¹.

(g) The outbreak of war has not affected adversely the general scheme of rural development except in so far as it has naturally diverted some of the attention of Deputy Commissioners and district staff, from this work. The rural reconstruction staff is, however, shortly being transferred to the Co-operative Department, where staff is being appointed to ensure that the work shall continue to expand.

¹Kept in the Assembly Library.

**GRANT OF LICENSE FOR MAKARWAL COLLIERY IN ISA KHEL TAHSIL OF
MIANWALI DISTRICT.**

***6039. Khan Bahadur Captain Malik Muzaffar Khan :** Will the Honourable Minister for Development be pleased to state—

- (a) whether he is aware that the term of the licence of the present licence-holder of the Makarwal Colliery in the Isa Khel tahsil of the Mianwali district is due to expire in a year or two ;
- (b) whether the Punjab Government, which recommends persons for the grant of the license, invites applications and considers the claims of the applicants before recommending any person or firm for the grant of this license and, if not, in what other manner candidates are selected and recommended for the grant of this license ;
- (c) whether it is a fact that during the last 40 years or so, the claims of the inhabitants of the Mianwali district, where this colliery is situated, have never been considered for being recommended by the Punjab Government for the grant of this license even though number of representations have been made to it from time to time, requesting the Government to consider their claims in this matter ; if so, why ?

The Honourable Chaudhri Sir Chhotu Ram : (a) The Makarwal Colliery mining leases in the Isakhel tahsil of the Mianwali district expire on the 28rd September, 1946, but subject to certain conditions the lessees hold an option of renewal.

(b) Mining concessions in the Punjab are granted by the Provincial Government. Before 1st April, 1937, ownership in minerals vested in the Central Government, but after that date ownership vests in the Provincial Government. The procedure for the grant of mining concessions is fully described in the Mining Manual. Government do not invite applications from the public through the Press or otherwise. Interested parties submit applications to the Deputy Commissioners of the districts in which the areas applied for are situated. The Deputy Commissioners forward the applications with their recommendations thereon for the orders of Government through the Commissioners of their Divisions and the Director of Industries, Punjab. Provided that the applicant holds a valid certificate of approval, his application is considered on merits with reference to priority, his solvency and ability to exploit fully the concession applied for and other considerations prescribed by the Mining Rules and the Directions issued thereunder.

(c) This is not so. In granting mining concessions in the Mianwali district in the past, the claims of the inhabitants of the district have been duly considered whenever they have applied. A statement showing the mining concessions granted to the inhabitants of the Mianwali district is laid on the table.

Statement.

Certificates of Approval.

1. Khan Muhammad Abdul Ghafur Khan of Isakhel.
2. Khan Muhammad Wali Dad Khan, Rais of Isakhel.
3. Malik Amir Muhammad Khan of Kalabagh.
4. Sardar Khan Mohammad Hamid Ullah Khan of Isakhel tahsil.
5. Pir Raza Muhammad, Contractor of village Thathi, tahsil Mianwali.

Prospecting licences.

1. Malik Amir Muhammad Khan, Rais of Kalabagh and Bhai Hasura Mal of Dandot—over an area of 413.07 acres in village Kalabagh. Still in force, 1928.

Mining leases.

1. Messrs. Jiwan Das-Daulat Ram and Jodha Ram of Isakhel—over an area of 360 acres at Lamakiwal in the Isakhel tahsil of Mianwali District. Granted for 5 years in July 1928. Determined in 1932.
2. Lala Lal Chand Kalra of Kalabagh—

(i) over 2028.6 acres in villages Chapri and Kotli	}	Still in force.
(ii) over 986.26 acres in villages Kuch, Chuglan and Tola Mangli, tahsil Isakhel.		

UPPER INDIA GLASS WORKS, AMBALA CITY.

*6073. **Lala Duni Chand :** Will the Honourable Minister for Development be pleased to state—

- (a) the amount of the loan that was advanced to the Upper India Glass Works, Ambala City, some time ago with a view to render aid to glass industry ;
- (b) whether any part of the amount advanced or interest due thereon has been repaid so far ;
- (c) whether the said Upper India Glass Works is still working, and, if not, since when it has stopped working ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Rs. 25,000.

(b) No.

(c) Work has been temporarily suspended since October 1929 on account of competition from factories situated in the United Provinces.

GRANT OF STIPENDS TO STUDENTS TO SPECIALIZE IN INDUSTRIES IN FOREIGN COUNTRIES.

*6077. **Dr. Sant Ram Seth :** Will the Honourable Minister for Development be pleased to state the number of students now studying in foreign countries on Government stipends to specialize in industry, the amount of yearly stipend paid to each of these students and the duration for which these scholarships are tenable with the name of industries for which these scholarships have been granted ?

The Honourable Chaudhri Sir Chhotu Ram : A statement giving the required information is placed on the table.

Statement.

Nature of award.	Number of scholars.	Stipends and allowances payable.	Duration.	Industry.	REMARKS.
(1) Under the rules for the award of financial assistance for technical training abroad.	One ..	As in rules 5 and 6 of the rules referred to in column (1) (Copy attached). ¹	Three years.	Electro Metallurgy-Smelting and rolling of steel and other metals.	Studying in England.
(2) Silver Jubilee Scholarships.	Two	(1) Rs. 150 per mensem. (2) Rs. 50 per mensem.	2 years 2 years	Enamelling .. Mining ..	Originally awarded for Japan. Now in America. Originally awarded for studying in India. Has been permitted at his own request to proceed to America.

FINANCIAL ADVISER, Co-OPERATIVE DEPARTMENT.

*6078. **Khan Muhammad Yusuf Khan** : Will the Honourable Minister for Development be pleased to state—

- the name of the officer who worked as Financial Adviser, Co-operative Department, Punjab, up to November, 1938 ;
- the salary and allowances drawn by him per month ;
- his banking experience and special qualifications ;
- when his services were terminated and for what reason ;
- what steps were taken by Government to fill the post vacated by him ?

The Honourable Chaudhri Sir Chhotu Ram : (a) Mr. P. D. Macpherson.

(b) He was appointed on Rs. 2,300 per mensem in the grade of Rs. 1,500—100—2,500. No special allowance was attached to this post.

(c) He had 24 years' experience in banking, 20 of which were spent in India.

(d) In November, 1937, he attained the age of 55, when he was given an extension of one year and he retired in November, 1938.

(e) The post was advertised both in England and India, but no suitable applicant was forthcoming. Ultimately on the advice of Punjab and North-West Frontier Province, Public Service Commission, an officer of the Indian Audit and Accounts Service was selected as his successor.

¹Kept in the Assembly Library.

Khan Sahib Khawaja Ghulam Samad : Was this gentleman, who was appointed as Financial Adviser, considered suitable by the department?

Minister : The Public Services Commission thought him fully suitable for the post.

Khan Sahib Khawaja Ghulam Samad : What special qualifications did the person appointed possess?

Minister : He served the Government in very responsible posts perhaps for over 80 years.

Khan Sahib Khawaja Ghulam Samad : Is he a retired hand?

Minister : Yes, he is.

Khan Sahib Khawaja Ghulam Samad : Could not the Government find any other suitable person to fulfil the requirements or conditions advertised by the Public Service Commission? Was it not necessary for the Financial Adviser to have banking experience as well as the experience of Co-operative Department?

Minister : I have already stated that the post was advertised twice both in India and in England but no suitable candidate was forthcoming.

Khan Sahib Khawaja Ghulam Samad : How many persons applied for the post in response to the advertisement by the Government?

Minister : I require a fresh notice for this question.

FAILURE OF POPPY CROP IN VILLAGE PIALAN.

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

(a) whether it is a fact that Kartara, Subel Singh, etc., seven zamindars of village Pialan, tahsil and district Hoshiarpur, applied to the local authorities, bringing to their notice that the poppy crop sown by them had not at all grown and matured and therefore the land revenue be remitted;

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

(c) land revenue for poppy crops actually charged from them?

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

(b) No remission was due under the rules governing the assessment of fixed land revenue.

(c) Rs. 10-4-6.

POPPY CROP IN VILLAGE PIALAN, DISTRICT HOSHIARPUR.

***5125. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state—

(a) whether it is a fact that Basant Singh, Kartara, etc. (seven peasants) of village Pialan, tahsil Hoshiarpur, recently applied to the District Revenue authorities bringing to their notice

[Sardar Hari Singh.]

the fact that their poppy crop this year had absolutely failed and that the land revenue of the area under the said crop be not realised from them ;

- (b) if answer to (a) above be in the affirmative, whether an enquiry was held on the spot by higher officials and if so, action taken consequent thereon ?

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

(b) Enquiry was made by the Girdawar Kanungo, but no remission was found to be due under the rules governing the assessment of fixed land revenue.

DIFFICULTIES OF APPLICANTS FOR GRANT OF LICENCES AND REGISTRATION UNDER THE MONEY-LENDERS REGISTRATION ACT.

***5814. Munshi Hari Lal :** Will the Honourable Minister of Finance be pleased to state—

- (a) whether the Government is aware of the fact that in the Multan district in the matter of the first grant of licence and the Registration of Money-lenders under the Money-lenders Registration Act, applications are sent to the Tahsildars and Naib-Tahsildars of the areas, to which the applicants belong, for making detailed enquiries as to character, conduct and antecedents of the applicants even when they are seeking to be licensed and registered for the first time and that they are also required to adduce evidence before the inquiring officer and to satisfy him that their chart of life is free from blemish ;
- (b) if answer to (a) above be in the affirmative, how much time is spent generally in these inquiries and how many times an applicant has to appear in the headquarters before he is licensed and registered ;
- (c) whether the Government intend to take any action in the matter ?

The Honourable Mr. Manohar Lal : (a) Government understand that in the Multan district applications for registration are normally referred to the Tahsildar concerned in order that the latter may verify the correctness of the facts set out in the application. Such references are covered by rule 6 (1) of the Punjab Registration of Moneylenders Rules 1939.

(b) and (c) The Tahsildar is required in these cases to submit his report within ten days. Usually applicants have to appear at headquarters twice in the first instance to make the application for registration and subsequently to deposit the registration fee. In an occasional case when the Deputy Commissioner is on tour, there may be some delay but Government have not received any complaints on this score and no special action is contemplated.

CLOSING OF THE CIVIL COURTS ON LAST SATURDAYS.

***5877. Lala Sita Ram :** Will the Honourable Minister for Finance be pleased to state—

- (a) whether the civil courts in Lahore used to be closed during winter on the last Saturday of every month ;
- (b) whether it is a fact that this practice has now been discontinued ; if so, the reasons therefor ?

The Honourable Mr. Manohar Lal : (a) Yes. This was the practice up to 1934.

(b) The old arrangement was discontinued in 1934 as it was felt that the number of holidays in the civil courts was already sufficient, without the last Saturday.

INCREASE IN THE NUMBER OF ADMINISTRATIVE SUB-JUDGES.

***5917. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Finance be pleased to state whether it is a fact that the number of Sub-Judges (Administrative) has recently been increased ; if so, why ?

The Honourable Mr. Manohar Lal : No.

EXPENSES INCURRED ON FATEHWAL MURDER CASE.

***5934. Mr. Dev Raj Sethi :** Will the Honourable Minister for Finance be pleased to state the total expense incurred by the Government on the Fatehwal Murder Case including the amount spent in connection with the appeal in the High Court ?

The Honourable Mr. Manohar Lal : A statement showing the expenditure in the lower courts was laid on the table with the reply to question *4490 put by the honourable member for the Amritsar North (Sikh) Rural constituency in the last session. In the hearing of the appeal the only expenditure entailed on Government, apart from the ordinary salaries of the officials and the Public Prosecutor concerned, was a special fee of Rs. 182 paid to Crown counsel.

ISSUE OF NOTIFICATION UNDER SECTION 264 OF THE INDIAN SUCCESSION ACT.

***5938. Khan Bahadur Raja Muhammad Akram Khan :** Will the Honourable Minister for Finance be pleased to state whether any notification has so far been issued by the Punjab Government under section 264 of the Indian Succession Act, 1925, and if so, whether he will be pleased to lay a copy thereof on the table of the House ; and if not, whether and when it is intended to issue that notification ?

The Honourable Mr. Manohar Lal : The honourable member is invited to refer to Punjab Government notification No. 3478, dated the 30th September, 1881. This notification was issued under section 2 of the Probate and Administration Act, 1881, but by virtue of section 24 of the General Clauses Act, 1897, it is continued in operation as a notification under subsection (2) of section 264 of the Indian Succession Act, 1925.

**EXEMPTION OF AHERIS FROM APPLICATION OF CRIMINAL TRIBES
ACT.**

***5962. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Finance be pleased to state whether there are any Aheris of the Hissar district who have not been so far exempted from the application of the Criminal Tribes Act ; if so, how many and the reasons why they have not so far been exempted ?

The Honourable Mr. Manohar Lal : Yes. Seventy-five members of the Aheri tribe, whose antecedents and criminal record did not justify exemption and who have been declared members of a notified criminal tribe by name, are now restricted under the Criminal Tribes Act. When the District Magistrate, Hissar, is satisfied by their behaviour that these men are entitled to exemption he will take appropriate steps.

SARDAR UJAGAR SINGH 'ULT'.

***5967. Sardar Hari Singh :** Will the Honourable Minister for Finance be pleased to state the weight of Sardar Ujagar Singh 'Ult' of district Hoshiarpur, a prisoner convicted under section 124-A, on his admission to the sub-jail, Hoshiarpur, his present weight and general condition of health ?

The Honourable Mr. Manohar Lal : His weight on admission was 144 lbs. His present weight is 124 lbs. His general condition of health is satisfactory.

SARDAR HARI SINGH, M. L. A., A KISAN MORCHA PRISONER.

***5970. Sardar Harjab Singh :** Will the Honourable Premier be pleased to state—

- (a) the date on which Sardar Hari Singh, M. L. A. a Kisan Morcha prisoner, was transferred from Lahore Central Jail to Rawalpindi District Jail ;
- (b) time at which he was taken out from the Lahore Central Jail ;
- (c) the train by which he was taken to Rawalpindi and the time of its departure from Lahore ;
- (d) whether it is a fact that he was handcuffed during the journey ;
- (e) whether it is a fact that he was detained and locked up in a cell in the Naulakha Police Station, Lahore, pending the departure of the train ;
- (f) whether it is a fact that there were no seating arrangements in the said cell and that it had not been cleaned for a long time ?

The Honourable Major Sir Sikander Hyat-Khan : (a) 8th November.

(b) About 5-15 p. m.

(c) The 57 Up, leaving Lahore at 8-20 p. m.

(d) Yes.

(e) He was kept in the police lock-up at Naulakha till the departure of the train.

(f) There are no chairs or benches in the lock-up, but it is cleaned daily.

Diwan Chaman Lall : Does my honourable friend justify the fact of Sardar Hari Singh being handcuffed during the journey ?

Diwan Chaman Lall : May I take it that in future instructions are being issued ?

Premier : I am looking into the whole case.

USING PRISONERS OF LAHORE CENTRAL JAIL FOR WORK AT THE HOUSE OF INSPECTOR-GENERAL OF PRISONS.

***6018. Malik Barkat Ali :** Will the Honourable Minister for Finance be pleased to state whether it is true that one of the non-official visitors of the Central Jail at Lahore reported in writing sometimes after April, 1937, that the Inspector-General of Prisons was using prisoners for work at his house ; if so, will he kindly lay on the table a copy of his report together with a statement showing the action so far taken on this complaint, and, if no action was taken, whether he intends to take action ?

The Honourable Mr. Manohar Lal : Government is not aware of any such report.

IRREGULARITIES IN THE ADMINISTRATION OF CENTRAL JAIL, LAHORE.

***6019. Malik Barkat Ali :** Will the Honourable Minister for Finance be pleased to state whether it is true that one of the non-official visitors of the Central Jail at Lahore reported sometimes after 1st April, 1937, a number of serious irregularities on the part of jail officials in the administration of the said Central Jail, Lahore ; if so, whether he will be pleased to lay on the table of the House a statement showing the nature of these irregularities and the action so far taken ?

The Honourable Mr. Manohar Lal : Non-official visitors of the Lahore Central Jail have since April the 1st 1937, recorded a large number of lengthy notes in the books maintained for jail visitors. Copies of these notes are sent to the Inspector-General of Prisons and, where necessary, action has been taken. I do not think the honourable member can fairly ask me to have a fresh scrutiny made of all these notes, but if he cares to draw my attention to any specific irregularity, I will have the same examined.

HUNGER STRIKE OF POLITICAL PRISONERS IN FERROZPORE DISTRICT JAIL.

***6032. Sardar Kishan Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether he is aware of the fact that some political prisoners in the Ferozepore district jail went on hunger strike recently ; if so, their names, the reasons for which they refused to take food, and whether their demands have since been acceded to ; if not, why not ;

(b) whether all the political prisoners confined in the above-named jail have been given a special class ; if not, the reasons therefor ?

The Honourable Mr. Manohar Lal : (a) The honourable member is presumably referring to the prisoners given in the statement which is laid on the table. Two of these prisoners did not take food for two days, the remainder were on hunger strike for one day only. Their object appears to have been to obtain the release from confinement in a cell of a prisoner who had been guilty of serious insubordination and assault on a prison official. Demands of this nature obviously cannot be accepted.

(b) There can be no question of giving a special class to any particular kind of prisoner confined in the Ferozepore jail. The special classification of a prisoner depends on the recommendation of the trial court and subsequent orders of Government on the recommendation or any petition put in by the prisoner under the ordinary rules.

Statement.

- | | |
|---------------------|-------------------------|
| 1. Tika Ram Sukhan. | 11. S. Rama. |
| 2. Mirdad. | 12. Munshi Ram. |
| 3. Rajinder Singh. | 13. Lekh Raj. |
| 4. Brahama Nand. | 14. Attar Singh. |
| 5. Dr. Parma Nand. | 15. Abdul Latief. |
| 6. Mohammad Tufail. | 16. Dr. Devi Ditta Mal. |
| 7. Om Parkash. | 17. Sardar Mohammad. |
| 8. Abdul Khalik. | 18. Ahsan Usmani. |
| 9. Gian Singh. | 19. Atta Ullah. |
| 10. Rulia Singh. | |

Sardar Sohan Singh Josh : Is any prisoner still on hunger strike in that jail?

Minister : No.

Pandit Shri Ram Sharma : Did they give up the hunger strike by themselves or was it due to an understanding arrived at between the jail authorities and the prisoners?

Minister : As a matter of fact, four prisoners who were on *bhuk hartal* gave it up the very next day after the adjournment motion debate in this House.

TRANSFER OF CLERKS FROM HEAD OFFICES OF THE DEPUTY
COMMISSIONER, CRIMINAL TRIBES, TO THE SUB-OFFICES.

***6036. Malik Barkat Ali :** Will the Honourable Minister of Finance be pleased to state—

(a) whether any instructions were at any time issued by the Government to the Deputy Commissioner and Reclamation Officer, Criminal Tribes, regarding transfer of the member of the clerical staff from the head offices to the subordinate offices; if so, whether he will be pleased to lay a copy of these instructions on the table of the House?

(b) whether any such transfer of clerks from the Head Office to the different sub-offices in the Punjab was recently ordered by the present Deputy Commissioner and Reclamation Officer, Criminal Tribes; if so, whether the said transfers were in accordance with the instructions mentioned in part (a) of the question.

and if not, why not, and what action, if any, is intended to be taken to secure compliance with the said instructions of Government?

The Honourable Mr. Manohar Lal : The attention of the honourable member is invited to the reply already given to question No. *5868¹ put by the honourable member from Southern Towns (Muhammadan) Urban Constituency. No other instructions have been issued.

Khan Sahib Khawaja Ghulam Samad : May I know the circumstances under which the transfers of clerks or officers of this department were restricted?

Minister : I think on the last occasion I said that Government issued certain orders to curtail transfers in the interest of economy. There is no particular order in regard to this particular department.

Khan Sahib Khawaja Ghulam Samad : If the object of Government was to affect economy, then why were so many transfers made against the instructions of Government?

Minister : I also said in answer to that question—the honourable member does not seem to be in possession of the answer—that no transfers against the orders of Government took place.

DEATH OF KISANS IN JAILS.

***6054. Dr. Sant Ram Seth :** Will the Honourable Minister for Finance be pleased to state with reference to the answer to question No. 5898, asked on the 24th November, 1939, the names of Kisans who died in the jail, their period of ailment and the names of diseases to which they fell victim?

The Honourable Mr. Manohar Lal : A statement is laid on the table.

Statement.

Name of the Jail.	Name of the prisoner.	Period of ailment.	Name of disease from which he died.
Mianwali ..	Jai Ram ..	3 hours ..	Heat stroke.
Shahpur Camp ..	Lal Din ..	6 days ..	Broncho pneumonia.
Do. ..	Bhag Singh ..	2 days ..	Heart failure.
Lahore Female ..	Mussamat Kishan Kaur.	4 days ..	Malaria.

Dr. Sant Ram Seth : The Honourable Finance Minister was pleased to say that out of the Kisan morcha prisoners four died, and he said that one of them—Jai Ram—died of sun stroke. May I know if the Honourable Minister is aware of the fact that when this prisoner died, his relatives were present outside the jail?

Minister : I am not in a position to give that information.

Dr. Sant Ram Seth : It means that you cannot say anything with certainty.

Minister : I happen to remember the case of the lady who is No. 4 on the statement, and so far as I remember she was 84 years of age and in a very miserable condition physically when she was taken to jail.

Lala Duni Chand : May I know if the death on account of sun-stroke was due to an unusual cause of death, and if so, whether Government has made any enquiry into that fact ?

Minister : There is no occasion to think that it was an unusual circumstance.

Lala Duni Chand : Does the Honourable Minister consider it a natural cause of death ? I have not heard his answer.

Minister : How could it be an unnatural cause ? I have not understood the question. If I may say so every such cause must be adequate cause and according to nature's laws.

Lala Duni Chand : I strongly maintain that the death by sun-stroke is most unusual cause of death and the Government with any sense of responsibility should have enquired into the matter.

Minister : I am glad to receive the information from the honourable member.

Premier : If the honourable member had said brain fever, that would have been a more unusual cause of death.

Sardar Sohan Singh Josh : That is a brain wave.

LAST ELECTIONS TO THE DISTRICT BOARD, HOSHIARPUR.

***5098. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the date by which the last elections to the District Board, Hoshiarpur, were over ;
- (b) the date on which the Local Government Office received papers from the District and Divisional authorities in connexion with nominations to the said District Board ;
- (c) number of names forwarded or recommended by the local authorities and the number to be nominated ;
- (d) reasons for delay in gazetting names of elected members and making nominations to the said District Board ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) 11th March, 1939.

(b) 9th April, 1939.

(c) Nineteen and seven respectively.

(d) There was no delay ; the results were notified on the 12th July. In this connection I wish to inform the honourable member that these cases usually take time, since not infrequently references have to be made to the local officers.

REPRESENTATIONS REGARDING INTERFERENCE IN LAST DISTRICT
BOARD ELECTIONS, HOSHIARPUR.

***5099. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether he has received representations regarding the alleged active interference in the last District Board elections, Hoshiarpur, by the Revenue Assistant, Chaudhri Muhammad Anwar and his subordinates ;

(b) if the answer to (a) above be in the affirmative, whether he has conducted any inquiry into the matter ; if so, with what result ?

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

(b) Does not arise.

Sardar Hari Singh : May I ask the Honourable Minister whether he remembers that a deputation of certain people of Hoshiarpur district who were a party to the elections to district boards, waited upon the Honourable Minister for Public Works last year, may be during the month of March and submitted to him a written report and orally submitted to him certain complaints against active interference by the Revenue Assistant ?

Parliamentary Secretary : Allegations do not constitute facts.

Sardar Hari Singh : I want to know whether a report was made.

Parliamentary Secretary : Representations were made.

Sardar Hari Singh : May I ask if these representations were looked into and whether any enquiry was held on the basis of these ?

Parliamentary Secretary : They were looked into and it was found that the allegations were not substantiated.

Sardar Hari Singh : Did the Honourable Minister personally make an enquiry into the matter or did he depute some official ?

Parliamentary Secretary : Ministers of the Government do not make enquiries into such matters. Representation was sent down to the Commissioner and enquiries were made and it was found that the allegations were not substantiated.

Sardar Hari Singh : Do I take it that the Commissioner personally held the enquiry ?

Parliamentary Secretary : It is difficult to say whether the Commissioner personally made an enquiry into the matter.

Sardar Hari Singh : May I know if the Revenue Assistant made the enquiry into the matter ?

Parliamentary Secretary : I am afraid I cannot say anything further.

Sardar Hari Singh : Which official made that enquiry ? May I ask the Parliamentary Secretary to lay a copy of the report of the enquiry made by the official concerned on the table ? Has he got the report in his office ?

Parliamentary Secretary : Not here.

Sardar Hari Singh : Was the report of the enquiry submitted orally to the Minister or in writing ?

Parliamentary Secretary : In writing.

Sardar Hari Singh : May I know if the report is available in the office of the Minister ?

Parliamentary Secretary : There is no office of the Minister. It must be in the office of the Secretary concerned.

Sardar Hari Singh : May I ask if the Minister has seen the report ?

Parliamentary Secretary : Yes.

Sardar Hari Singh : Has the Parliamentary Secretary read it ?

Parliamentary Secretary : The honourable member asked about the Honourable Minister and I have replied.

Sardar Hari Singh : The Parliamentary Secretary says that the Minister has read the report, may I know who held the enquiry ?

Parliamentary Secretary : It is difficult for the Honourable Minister to say off-hand as to who was the particular gentleman who made this report, but if my honourable friend is very keen on that point he can table a fresh question.

Sardar Hari Singh : May I know if a certain patwari held the enquiry into the conduct of the Revenue Assistant ?

Minister : May I know what the honourable member is aiming at ? The enquiry was made through the usual channel.

Sardar Hari Singh : What is that usual channel ? Did the Commissioner personally go into the matter ?

Diwan Chaman Lall : What is the usual channel ?

Minister : The Deputy Commissioner of the district.

Sardar Hari Singh : May I know if the Deputy Commissioner held the enquiry ?

Minister : That is the usual channel of enquiry from where we get our information.

Sardar Hari Singh : Do I take it that the Deputy Commissioner held the enquiry ?

Minister : I cannot answer that without proper notice.

Sardar Hari Singh : May I ask my honourable friend whether those who complained against the Revenue Assistant's active interference in the district board elections were given a chance of substantiating their allegations before the enquiring officer ?

Minister : When enquiry is made all these allegations are looked into.

Sardar Hari Singh : I want to know whether any chance was given to those people.

Minister : I have no reason to believe to the contrary.

Sardar Hari Singh : Do I take it that he admits that a chance was given to the complainants to submit evidence before the enquiring officer?

Minister : Presumably the result of the enquiry is what is being stated and if you want to drive at another conclusion, you would not be able to do so.

Lala Duni Chand : Is it not true that the sum and substance of the enquiry was the statement of the gentleman himself who was complained against? Did anything else take place beyond his statement?

Minister : When an enquiry is made it is not based on one man's statement. Proper care is taken that all the necessary facts are looked into and then only is any opinion sent to Government.

Lala Duni Chand : Will he please state definitely if the enquiry was anything more than the statement of the gentleman concerned against whom complaint was made? I want to pin the Honourable Minister to this definite question and I want an answer from him.

Minister : I am unable to believe that my honourable friend's information is correct.

Diwan Chaman Lall : May I ask whether all the replies that he has given are based purely on assumptions, presumptions and inferences? Has he got a definite reply to give?

Minister : Just as the supplementaries are based on assumptions, presumptions and inferences.

Diwan Chaman Lall : Supplementaries are asked for definite information through definite concrete questions such as who was the gentleman who conducted the enquiry, what sort of enquiry was it, were the complainants called before those who made the enquiry or not? These are very concrete questions. May I take it that the replies are not based on any information that he possesses?

Minister : The question was simple enough and it has been said that the allegations made were not substantiated after enquiry. If the honourable member wants to know anything further he can give fresh notice and we will find out.

Diwan Chaman Lall : May I ask my honourable friend whether it is not a fact that when notice is already given regarding this matter, the House is entitled to detailed information regarding the question? May I ask my honourable friend whether he has that detailed information or not?

Minister : As far as the question is concerned, it is about the general results of the enquiry and not about minor details. If you give notice of a question about minor details, these will be looked into.

Diwan Chaman Lall : Does he consider it to be a minor detail when the House is entitled to know whether the enquiry has been a proper enquiry or not?

Minister : That is a question of opinion. One section of the House may be satisfied and the other not. We cater for every section of the House but we cannot satisfy all.

Diwan Chaman Lall : May I ask whether it is a fact that he is presuming that the House can be satisfied without any information being given?

Minister : It is a question of confidence.

ELECTION PETITIONS IN CONNECTION WITH LAST DISTRICT
BOARD ELECTIONS, HOSHIARPUR.

***5100. Sardar Hari Singh** : Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of election petitions filed in connection with the last District Board elections in Hoshiarpur district and the grounds on which they are based ;
- (b) steps taken for appointment of an impartial and independent commission to investigate into the said petitions?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Six. The allegations were that corrupt practices and material irregularities had been committed.

(b) The Cantonment Magistrate, Jullundur, appointed a Commission to hold an enquiry into the allegations made in the petitions.

MAHAJANS OF VILLAGES GHASOLI (SONEPAT) WITH THE
SUPERINTENDENT OF POLICE, ROHTAK.

***5164. Pandit Shri Ram Sharma** : Will the Honourable Minister of Public Works be pleased to state—

- (a) whether he is aware of the fact that certain Mahajans of village Ghasoli (Sonepat) in whose houses dacoity had been recently committed came to see the Superintendent of Police, Rohtak, in the first week of July last ;
- (b) whether it is a fact that they were not granted an interview for two days even though they followed the Superintendent of Police to Sonepat and back ;
- (c) whether it is also a fact that when on the third day they went to the said Superintendent of Police with my letter, they were asked through his orderly to see the Superintendent of Police at Sonepat while no date of the visit was given nor was the visit to Sonepat made ;
- (d) if the answer to (a), (b) and (c) above be in the affirmative, the action intended to be taken against the said officer for so indifferently treating a section of the public?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Yes.

(b) No. The Superintendent of Police gave them a personal interview in his office on the very day when they appeared (6th July).

(c) The Superintendent has no knowledge of any letter written by the honourable member. The applicants brought their own application with them, and (as already mentioned) were given a personal hearing by the Superintendent of Police on the 6th July.

(d) Does not arise.

Pandit Shri Ram Sharma : May I know whether the reply given by the Parliamentary Secretary was prepared by the Superintendent of Police or by some body else?

Parliamentary Secretary : The information was supplied by the local authorities after making enquiries from the Superintendent of Police himself.

Pandit Shri Ram Sharma : May I know as to whether the same Superintendent of Police who refused to grant an interview to the complainants holds the opinion to the effect that the allegations made in the main question were baseless?

Parliamentary Secretary : My honourable friend's information is wrong. The Superintendent of Police gave them an interview on the very date they asked for an interview.

Pandit Shri Ram Sharma : It is against facts, but the trouble is how to convince you of this.

Minister : It is one statement against another.

Parliamentary Secretary : Government cannot disbelieve its own officers.

SATTA GAMBLING IN ROHTAK TOWN.

*5169. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state whether the Superintendent of Police, Rohtak, has so far taken any special steps to eradicate the evil of Satta gambling at present going on at Rohtak town to which his attention has been drawn by me, through letters and during the course of an interview that I had recently with him in this connection?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : From the beginning of the present year to the 15th September ten cases under the Public Gambling Act, 1867, were registered in Rohtak town, of which six have ended in conviction and four are pending in court. In the six cases decided eighteen persons were sentenced. Sixteen others are still under trial.

Pandit Shri Ram Sharma : May I know whether the Government thinks that the cases of satta gambling are decreasing day by day in Rohtak?

Parliamentary Secretary : These cases registered against satta gambling are certainly having a deterrent effect.

Pandit Shri Ram Sharma : Is it a fact that the police apprehends only ordinary satta gamblers but does not interfere with prominent persons?

Parliamentary Secretary : No, it is not a fact.

Pandit Shri Ram Sharma : Is it a fact that the Deputy Commissioner and the Superintendent of Police of Rohtak know it fully well that *satta* gambling cannot be stopped in Rohtak as those who manage *satta* gambling are those who are considered to be the henchmen of the present Government.

Mr. Speaker : Disallowed.

COMPLAINT AGAINST CORRUPTION OF THE POLICE AT
BAHADURGARH.

***5173. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether a serious complaint signed by a number of persons about the corruption of the police at Bahadurgarh in the Rohtak district was submitted to the Deputy Commissioner, Rohtak, in the third week of July last ;
- (b) whether it is a fact that a departmental inquiry was instituted on the complaint ; if so, the result of the inquiry, if any ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) The honourable member probably refers to a petition addressed to the Deputy Commissioner by certain shopkeepers of Bahadurgarh Mandi alleging that a bribe was accepted by a sub-inspector of police in connection with the lynching of two persons in the Mandi on the 5th June.

(b) The Deputy Commissioner thought it better to defer action on the petition until the trial of the lynching case was complete. Judgment in that case was pronounced by the Sessions Judge in the middle of December, and an inquiry into the contents of the petition has since been begun by the Additional District Magistrate.

COMPLAINT OF QADIR BAKHSH AGAINST THE HEAD CONSTABLE OF
BALASPUR POLICE STATION.

***5289. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Qadir Bakhsh, son of Miran Bakhsh, Arain of the village Ranjitpur, Police Station Balasapur, tahsil Jagadhri, district Ambala, had put into the cattle pond the buffaloes of Jai Ram and other Gujjars of the village Sultanpur for having damaged his fields and on this the latter made a false complaint of theft to the Superintendent of Police, Ambala, against the said Qadir Bakhsh ;
- (b) whether the said complaint was sent to the police station Balasapur for investigation and in that connexion the head constable of Balasapur police station beat the said Qadar Bakhsh and his son and wrongfully confined them and ultimately released them after extorting from them Rs. 40 as a bribe ;
- (c) whether a complaint to the above effect was sent to the Honourable Premier and the Superintendent of Police, Ambala, and if so, what action has been taken or is intended to be taken thereon by the authorities ?

Parliamentary Secretary : (S. B. S. Ujjal Singh) : (a) Yes.

(b) and (c) The report made by Jai Ram was investigated by a head constable, who found that no cognisable offence had been committed. A complaint against the head constable was subsequently preferred to the Premier and the Superintendent of Police, Ambala, in the sense mentioned. Inquiries were made under the orders of the Superintendent of Police, Ambala, into the allegations in the complaint. They proved to be without foundation.

Lala Duni Chand : May I know what was the nature of the enquiry conducted by the Superintendent of Police ?

Parliamentary Secretary : The usual departmental enquiry.

Lala Duni Chand : May I know if any statements were recorded or if any witnesses were examined ?

Parliamentary Secretary : I require notice of that question.

Lala Duni Chand : Was the complainant examined and was he given any opportunity to substantiate his allegations or complaint ?

Parliamentary Secretary : I know nothing about that. If my honourable friend wants complete information, he should give notice.

Lala Duni Chand : May I know if this particular object is not covered by the original question itself ?

Mr. Speaker : Disallowed.

NEW ROAD IN THE AMBALA DISTRICT.

***5453. Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state whether the Ambala district finds any place in the road construction programme in the present or the next year ; if so, the names of the roads proposed to be constructed ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The answer to the first part of the question is in the negative. The second part of the question does not arise.

It may be added for the honourable member's information that the road programme is spread over several years and not confined to one year in which each district must necessarily figure. Fifty miles of road in this district were taken over and reconditioned for future maintenance by the Public Works Department as recently as 1937-38.

Lala Duni Chand : How does the Government deal with the question of roads to be constructed in each district ?

Parliamentary Secretary : According to the needs of each district.

Lala Duni Chand : May I know if the requirements of Ambala district were taken into consideration ?

Parliamentary Secretary : If my honourable friend compares Ambala with other districts he will find that so far as Ambala is concerned it is more favourably placed in this respect than many other districts.

Lala Duni Chand : Is the Parliamentary Secretary aware that by constructing small roads of 5 or 10 miles, large areas of Ambala can be connected with each other.

Parliamentary Secretary : That may be a fact.

Lala Duni Chand : May I know whether there are any reasons why the small roads should not be constructed in order to achieve the object?

Parliamentary Secretary : The same may be the case in other districts which have lesser mileage of big roads.

Minister : I wish we had the funds to do this.

Lala Duni Chand : Cut down your big salary. That is one way to find funds and it will be a good example.

Minister : What about your allowance?

Lala Duni Chand : I make a present of the entire allowance. I can give a cheque to him now.

SALARIES OF CONSTABLES AND HEAD CONSTABLES OF POLICE.

*5461. **Lala Duni Chand :** Will the Honourable Minister of Public Works be pleased to state whether, since the question was mooted in this Assembly about two years ago, the Government has considered the question of the increase in the salaries of constables and head constables; if so, what has been the result thereof?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : No. As was made clear in the course of the debate to which the honourable member alludes, Government would gladly see the pay of the lower subordinates in the police increased, but the state of the provincial finances is not such as to allow us to take up any such measures at the present time.

Lala Duni Chand : What I want to know is whether, since the present Government came into office, this question of the adequacy or inadequacy of the pay of constables and head constables has been ever considered, that is, during the last three years?

Parliamentary Secretary : That question has always been present in the mind of the Government. But the difficulty is that the provincial finances do not allow any increase in the pay of the lower subordinates.

Lala Duni Chand : Is it true that the salaries of the constables and head constables are inadequate?

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

Lala Duni Chand : There is no question of opinion here. I merely want to know whether according to the Government it is adequate or not. This is asking for information.

THREE MUNICIPALITIES OF GUJRAT TOWN.

*5786. **Dr. Gopi Chand, Bhargava :** Will the Honourable Minister for Public Works be pleased to state what action has so far been taken regarding the amalgamation of the three municipalities of Gujrat town into

one and removing the difference in Octroi or Terminal Tax rates of the three municipalities in that town?

Parliamentary Secretary : (Shaikh Faiz Muhammad) : The matter is receiving the careful consideration of Government in consultation with local officers.

Diwan Chaman Lall : How long has it been receiving the careful consideration of the Government?

Minister : If you want the exact period I want notice. But I can tell you the reason for the delay. The three local bodies have different schedules of taxation and have been trying to bring them up together. Naturally when more than one local body are concerned, it takes time.

Diwan Chaman Lall : May I ask my honourable friend whether he is taking any action in regard to the abolition of the three anomalous bodies and the amalgamation of all the three into one?

Minister : All their representations are receiving the consideration of the Government and that is why delay is taking place.

Diwan Chaman Lall : May I take it that the delay is taking place because the three bodies do not want to be abolished or is it because the Government cannot come to any decision in this matter?

Minister : They have different points of view and we have to give a decision.

Diwan Chaman Lall : How long has this matter of amalgamation of the three bodies into one, been before the Government?

Minister : If you want the days and hours—

Diwan Chaman Lall : I do not want the days and hours and minutes and seconds. I want approximately the time it has been before the Government.

Minister : If you want the exact time, you will have to give notice.

Diwan Chaman Lall : I do not want the exact time. I want to know whether the matter has been before the Government for a considerable time or for a short time.

Minister : It is a matter of opinion. What you call considerable time I may call short time and what you call short time, I may call considerable time.

Diwan Chaman Lall : May I take it therefore that the Honourable Minister is keen upon wasting the time of the House and that he has not got the information before him?

Minister : Not at all.

Diwan Chaman Lall : May I take it that my honourable friend is keen on wasting the time of the House by such juvenile replies as he has given us?

Minister : If the supplementary questions are juvenile they will serve no useful purpose either but we have to humour honourable members opposite?

Diwan Chaman Lall : May I ask my honourable friend again now to divert his attention to the question that is being put to him? May I ask him whether the Government has had this matter of the amalgamation of these municipalities for a long time or a short time before it?

Minister : Neither long nor short. Considerable time.

Diwan Chaman Lall : Has it been for more than two years?

Minister : I am afraid I cannot say.

Diwan Chaman Lall : Then I take it that my honourable friend has not got the information before him.

UNSTARRED QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION AMONG DEPUTY REGISTRARS, Co-OPERATIVE DEPARTMENT.

1029. Khan Muhammad Yusuf Khan : Will the Honourable Minister for Development be pleased to state—

- (a) whether it is a fact that out of the four Deputy Registrars, Co-operative Department, now working, three are Sikhs and one a Hindu ;
- (b) whether it is a fact that the officiating Registrar of the Co-operative Department is a Hindu and non-agriculturist ;
- (c) whether it is a fact that the Financial Adviser to the Co-operative Department is a Hindu non-agriculturist ;
- (d) if the reply to (a), (b) and (c) above be in the affirmative, what action Government propose to take to give legitimate share to the Muslims and agriculturists among Deputy Registrars ?

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

(b) Yes.

(c) Yes.

(d) Promotion is determined on seniority combined with efficiency. It so happened that the seniormost Assistant Registrars were non-Muslims who were also tully efficient.

Seventy-five per cent of the Deputy Registrars are agriculturists. This percentage cannot be regarded as very unsatisfactory.

So far as the representation of Muslims is concerned the Ministry has the matter already under consideration and steps are being taken to select a suitable Muslim I. C. S. officer to be trained as Deputy Registrar.

CANCELLATION AND GRANT OF ARMS LICENCES IN LUDHIANA DISTRICT.

1030. Sardar Lal Singh : Will the Honourable Minister for Public Works be pleased to lay a statement on the table of the House showing—

- (a) the names of persons belonging to Ludhiana district whose arms licences were cancelled during the years 1938 and 1939 specifying the arms for which each such licensee held the licence ;
- (b) the names of the persons belonging to Ludhiana district to whom fresh licences for arms were granted during the years 1938 and 1939 specifying the arms for which licences were granted to each such person excluding the licences issued under the Village Defence Scheme ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan**Tiwana :** (a) *Cancellations*—

(i) under section 18 of the Indian Arms Act, 1878	..	19
(ii) on the death of the licensees	..	9
(iii) at the request of the holders	..	4

(b) *New Licences*—

(i) For guns	..	99
(ii) For rifles	..	15
(iii) For revolvers	..	12
(iv) For sword-sticks	..	7

It is not the usual practice to give names, and it scarcely seems worth while setting out the circumstances of all the above cases, but if the honourable member desires information regarding any particular case I shall be happy to obtain it.

THE CITY OF LAHORE CORPORATION BILL.

1031. Mian Abdul Aziz : Will the Honourable Minister for Public Works be pleased to state—

- the names of persons, officials or non-officials, who drafted the City of Lahore Corporation Bill ;
- the date on which the work of drafting the Bill was entrusted to them ;
- the date on which it was completed ;
- the expenses incurred by Government in preparing the draft ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan

Tiwana : (a) The Bill was drafted in the Legislative Department of Government.

(b) and (c) It is not possible to give the exact dates. The work began sometime in June, 1939, and the Bill was published in the *Punjab Gazette* on the 2nd October.

(d) The Bill was drafted in the ordinary course of Government business.

REGISTRATION OF MOTOR VEHICLES.

1032. Sardar Hari Singh : Will the Honourable Minister for Public Works be pleased to state the number of public service motor vehicles registered in the province up to 31st December, 1939 ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan

Tiwana : Under the present statistical system the figures of vehicles registered do not show public service vehicles separately, but the returns of vehicles taxed in the province show that at the end of the quarter mentioned there were altogether 6,035 public service vehicles in use.

WHEEL TAX.

1033. Sardar Hari Singh : Will the Honourable Minister for Public Works be pleased to state the total amount of wheel tax realized by each municipal committee in the province during the years 1937-38 and 1938-39 separately ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : A statement giving the required information is laid on the table

Statement.

District.	Name of Municipal Committee.	WHEEL TAX REALIZED.	
		1937-38.	1938-39.
		Rs. A. P.	Rs. A. P.
Hisar	Bhiwani ..	787 0 0	729 0 0
	Hansi ..	622 0 0	1,582 0 0
	Hisar ..	3,331 0 0	2,443 0 0
	Sirsa ..	135 0 0	113 0 0
Rohtak	Rohtak ..	3,958 0 0	3,312 0 0
	Bahadurgarh ..	60 0 0	92 0 0
Gurgaon	Faridabad ..	104 0 0	110 0 0
Karnal	Kaithal ..	435 0 0	383 0 0
Ambala	Rupar ..	319 9 6	245 6 0
Simla	*Simla ..	5,678 0 0	5,622 0 0
	*Kasumpti ..	108 0 0	80 0 0
Hoshiarpur	Hoshiarpur ..	7,548 0 0	8,447 0 0
Jullundur	Jullundur ..	7,342 0 0	6,416 4 0
	Nurmahal ..	4 8 0	36 0 0
	Banga ..	1,836 0 0	2,209 0 0
	Rahon ..	..	4 0 0
Ferozepore	Fasilka ..	1,047 0 0	1,506 0 0
	Abohar ..	444 0 0	1,048 0 0
	Moga ..	2,054 0 0	2,889 0 0
	Zira ..	255 0 0	270 0 0
Lahore	Lahore ..	1,03,776 9 0	1,14,715 9 0
Amritsar	Amritsar ..	72,810 0 0	75,792 0 0

*This tax relates to tax on rickshaws.

District.	Name of Municipal Committee.	WHEEL TAX REALIZED.	
		1937-38.	1938-39.
		Rs. A. P.	Rs. A. P.
Gurdaspur	Dalhousie	378 0 0	524 0 0
Sialkot	Sialkot	57 0 0	76 0 0
Shekpur	Miani	6 0 0	24 0 0
	Phullarwan	202 0 0	84 8 0
Jhelum	Jhelum	604 0 0	617 0 0
Rawalpindi	Rawalpindi	18,740 0 0	20,100 0 0
	Murree	1,511 0 0	1,050 0 0
Mianwali	Mianwali	3 10 0	Nil.
Montgomery	Montgomery	10,187 0 0	7,271 0 0
	Pakpattan	2,925 4 0	2,455 12 0
Lyallpur	Lyallpur .. ..	..	20,069 8 0
Jhang	Jhang-cum-Maghiana	2,187 0 0	1,646 4 6
Multan	Multan	4,520 10 0	4,819 8 0
Dera Ghazi Khan	Dera Ghazi Khan	752 0 0	601 0 0
	Jampur	15 4 0	26 0 0
	Mithankot	38 0 0	32 0 0
	Rajanpur	23 0 0	22 0 0

REALIZATION OF RENT FOR PRIVATE LORRY STANDS BY LAHORE MUNICIPALITY.

1034. Sardar Hari Singh : Will the Honourable Minister for Public Works be pleased to state the total amount of rent realized by the Lahore Municipal Committee on account of sites used as private lorry stands during each of the last five years ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : A statement is laid on the table.

Statement.

Income received by the Municipality during the year ending December.

	1935	1936	1937	1938	1939	Rs.
	2,760
	3,030
	8,847
	11,921
	10,725
Total	37,283

DECRETAL DEBT.

1035. Mr. Dev Raj Sethi : Will the Honourable Minister of Finance be pleased to state—

- (a) the total amount of decretal debt standing at the end of each year from 1936 to 1939 in the districts of Lyallpur and Jhang ;
- (b) the total amount of payments of decretal money certified in courts each year since 1936 in the above two districts ?

The Honourable Mr. Manohar Lal : I have had enquiries made regarding the information that the Honourable Member desires but I regret that it has proved impossible to obtain any figures approaching accuracy even after considerable trouble. To obtain accurate figures would entail a disproportionate expenditure of time and labour, so I regret that I cannot proceed further in the matter.

COMMUNAL PROPORTION AMONG FRESH APPOINTMENTS MADE BY
DISTRICT JUDGE, HISSAR.

1036. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister of Finance be pleased to state whether any fresh appointments in the clerical staff under his control have been made by the present District Judge, Hissar, after the posting of the Additional District Judge there ; if so, whether communal proportion fixed by Government was observed in making these appointments ; and, if so, the number, community-wise, of the appointments made giving separately the number of agriculturists and non-agriculturists among those appointed by the District Judge, Hissar ?

The Honourable Mr. Manohar Lal : The communal proportion by divisions for the establishment of courts subordinate to High Court has been fixed only recently and the orders are being communicated to District and Sessions Judges. The appointments made by the District and Sessions Judge, Hissar, were as follows :—

Superior appointments.

- 1 Muslim—non-agriculturist.
- 1 Hindu—agriculturist.
- 1 Sikh—non-agriculturist.

Inferior appointments.

- 1 Muslim.
- 1 Sikh.
- 1 Hindu.

With regard to the appointment of a Muslim non-agriculturist in the superior appointment it may be mentioned that originally a Muslim agriculturist was selected. He did not report for work and after a fortnight the appointment was filled by a non-agriculturist.

MUSLIM EXTRA ASSISTANT COMMISSIONERS AND SUB-JUDGES,

1037. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Premier be pleased to lay on the table of the House a statement showing the number and the names, with their places of residence of the Muslim Extra Assistant Commissioners, Muslim Sub-Judges, Muslim Deputy Superintendents of Police, Muslim Inspectors of Police, Muslim Sub-Inspectors of Police and Muslim Assistant Sub-Inspectors of Police belonging to the Ambala division and at present in service ?

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

REPRESENTATION OF SIKHS IN PROVINCIAL SERVICE IN PUBLIC WORKS DEPARTMENT (BUILDINGS AND ROADS BRANCH).

1038. Sardar Ajit Singh : Will the Honourable Minister for Public Works be pleased to state the representation of Sikhs in the Provincial Service in Public Works Department (Buildings and Roads Branch) and the reason why the representation is lower than what is due to them and when does the Government propose to give them their due representation ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : There are two Sikhs in the Punjab Service of Engineers in the Public Works Department (Buildings and Roads Branch).

The existing representation of the Sikh community is the result of appointments made in the past. All recruitment is now made in proportions fixed for each community and matters will adjust themselves in due course of time in the sense desired by the honourable member.

RECRUITMENT OF SCHEDULED CASTES IN THE POLICE DEPARTMENT IN SIALKOT DISTRICT.

1039. Bhagat Hans Raj : Will the Honourable Minister for Public Works be pleased to state the total number of young men belonging to the scheduled castes of Sialkot district, who have been recruited in the Police Department by the Superintendent of Police, Sialkot, up to the 31st January, 1940 ; and if no one has been so recruited, the reasons therefor ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : Two. One was subsequently discharged under Police Rule 12-21 as being unlikely to prove an efficient police officer.

ADMISSION OF STUDENTS BELONGING TO SCHEDULED CASTES TO THE MACLAGAN ENGINEERING COLLEGE, LAHORE.

1040. Bhagat Hans Raj : Will the Honourable Minister for Public Works be pleased to state whether any percentage is fixed for those belonging to the scheduled castes in the matter of admission to the MacLagan Engineering College, Lahore, and if not, the reasons therefor ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : The answer is in the affirmative.

**IRRIGATION FACILITIES FOR LANDS IN VILLAGE BUTEWALI IN
GUJRANWALA DISTRICT.**

1041. Chaudhri Ghulam Rasul : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that a piece of cultivable and commanded land about 150 acres in area in village Butewali, tahsil and district Gujranwala, and included for irrigation purposes in the Chak at the outlet at R. D. 11,250 left Kali Distributary, Raya Division, Upper Chenab Canal, has so far remained unirrigated in spite of the repeated representations made by the zamindars concerned for providing them with irrigation facilities ;
- (b) whether it is a fact that a fresh representation has recently been made to Government for making the canal water available to these zamindars ; if so, the action so far taken or intended to be taken on that representation ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The area is included in chakbandi and irrigation facilities exist. No crops were sown in the area in Kharif 1939 owing to a dispute about water between two parties. A representation was received in June, 1939, on which warabandi was sanctioned by the Executive Engineer on 30th August, 1939.

(b) On receipt of the fresh representation the petitioner has been advised to seek redress in a Civil Court, as the Canal Officers have no Magisterial powers for dealing with the offence of *warashukni*.

**[COMMUNAL REPRESENTATION IN THE OFFICE OF DEPUTY
COMMISSIONER, DERA GHAZI KHAN.]**

1042. Khan Sahib Shaikh Muhammad Amin : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether communal percentages fixed by Government for recruitment to various services in the Punjab have or have not been observed while making recruitments to the clerical establishment in the office of the Deputy Commissioner, Dera Ghazi Khan, since 1st of April, 1937 ;
- (b) whether he will be pleased to lay on the table of the House a statement showing the names, designations and salary of officials in the office of the Deputy Commissioner, Dera Ghazi Khan, on 1st April, 1937, 1938 and 1939 ?

The Honourable Dr. Sir Sundar Singh Majithia : I think if the honourable member will look up the answer given to unstarred question No. 978¹ asked by Khan Sahib Chaudhri Sahib Dad Khan he will find the information he requires. If the honourable member desires any other specific information I will endeavour to obtain it for him.

SIKH HEAD-MASTERS OF HIGH SCHOOLS.

1043. Sardar Kartar Singh : Will the Honourable Minister of Education be pleased to state—

- (a) the number of high schools in the Multan Division maintained by the local bodies and the state of communal representation in the posts of headmasters of all these schools ;
- (b) the number and names of the schools which have delegated their powers to the Inspector of Schools ;
- (c) the number of new schools opened by local bodies during the last ten years and the state of communal representation among the headmasters of those schools ;
- (d) whether the formula of communal representation approved by the Punjab Government was followed while making the appointments mentioned in (a) and (c) ; if so, whether the Sikhs were given their due share in these appointments ;
- (e) the number of high schools maintained by local bodies in Lyallpur, Multan and Montgomery districts and the state of communal representation among the headmasters of these schools ;
- (f) the number of teachers in the high schools of Okara and Mian Channu and the number of senior Sikh graduates employed in these schools ;
- (g) the number of new senior teachers employed in these schools during the last 5 years and the number of Sikhs among them ;
- (h) the number of Circle Inspectors and District Inspectors of Schools in all the divisions in the province and the number of Sikhs among them ;
- (i) whether communal representation in the two cadres mentioned in (h) was maintained according to the formula approved by Punjab Government for services; if not, why not ?

The Honourable Mian Abdul Haye :—

- (a) (i) Number of schools .. =17
- (ii) Number of head masters =Hindus 7, Muslims 9 and Sikh 1.
- (b) (1) District Board High School, Dipalpur (Montgomery).
- (2) District Board High School, Haveli (Montgomery).
- (3) N. A. C. High School, Chichawatni (Montgomery).
- (4) Municipal Board High School, Okara (Montgomery).
- (5) N. A. C. High School, Arifwala (Montgomery).
- (6) District Board High School, Gojra (Lyallpur).
- (7) District Board High School, Samundri (Lyallpur).
- (8) District Board High School, Maurasipur (Lyallpur).
- (9) District Board High School, Toba Tek Singh (Lyallpur).
- (10) District Board High School, Chak Jhumra (Lyallpur).
- (11) Municipal Board High School, Tandlianwala (Lyallpur).

[Minister of Education].

- (12) N. A. C. High School, Burewala (Multan).
 (13) Municipal Board High School, Mian Channu (Multan).
 (e) (i) Number of Schools=10.
 (ii) Number of head masters=Hindus 5, Muslims 4, and Sikh 1.
 (d) No. The formula of communal representation approved by the Punjab Government is not applicable to appointments in local body schools.
 (e) Lyallpur=Hindus 2, Muslims 4, Sikh 1.
 Multan=Hindus 3, Muslim 1, Sikh none.
 Montgomery=Hindus 2, Muslims 3, Sikh none.
 (f) (i) Municipal Board High School, Okara=8.
 (ii) Municipal Board High School, Mian Channu=5.
 (iii) No Sikh graduate is employed in these schools as senior teacher.
 (g) (i) Municipal Board High School, Okara=Hindu 1, Muslim 1, Sikh none.
 (ii) Municipal Board High School, Mian Channu=Hindu 1, Muslim 1, Sikh none.
 (h) (i) Number of Divisional Inspectors of Schools=5 (among them 1 is Sikh).
 (ii) Number of District Inspectors of Schools=29 (among them 4 are Sikhs).
 (i) No. The formula approved by Government applies only to recruitment to Government service.

SIKH MEMBERS OF ROHTAK MUNICIPAL COMMITTEE.

1044. Sardar Kartar Singh: Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that there has been no appointed or elected Sikh member in the Rohtak Municipality for a long time ;
 (b) whether he is aware that there are three historic Sikh Gurdwaras in Rohtak town and that Sikh community is an important minority in the said district ;
 (c) whether it is a fact that before the last nominations the statutory Sikh Gurdwara Committee requested the Commissioner through a resolution to take steps for the nomination of one Sikh to Rohtak Municipal Committee ;
 (d) if the answers to (a), (b) and (c) be in the affirmative, the reasons for not acceding to the demand of the Sikhs of Rohtak and the action Government propose to take in the matter ?

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

(b) There are three Sikh Gurdwaras. The total number of Sikhs in the town is 282 with a voting strength of 30 only. The community cannot therefore be said to be an important minority.

(c) Yes.

(d) In view of the answer to part (b) this does not arise.

ADJOURNMENT MOTIONS.

RAIDS IN ISAKHEL.

Lala Duni Chand : 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 prevent and to meet successfully an attack of the raiders on or about 13th February, 1940, upon the people of Isakhel, district Mianwali, which continued for five hours from 5 p. m. to 10 p. m. in which one man was killed.

Mr. Speaker : Has the honourable member satisfied himself that the facts stated by him are correct? Will he please throw some light on the facts of the case?

Lala Duni Chand : I have satisfied myself about the correctness of the facts. I have even now in my possession documentary evidence which I may read to the House with your permission. The facts appeared in the *Tribune*. I find that a reference to this incident is made even in to-day's *Tribune*.

Mr. Speaker : Will the Honourable Premier throw some light on the facts of the case?

Premier : Certainly. I shall throw any amount of light and I think I will be able to dispel the darkness in which my honourable friend is groping. I am very pained to see that my honourable friend Lala Duni Chand should have given notice of the motion without making sure about the facts. It is particularly painful to find a senior member of his experience giving notice of such a motion without satisfying himself with regard to relevant facts. If he had only come to me he could have had all the facts and the necessity for this motion would have been obviated. On the other hand, he would have moved a motion of commendation here in this House. (*Hear, hear.*) The facts of the case are that a gang of approximately 200 trans-border people came all the way through the North-West Frontier Province. On the way they burnt a police station in the North-West Frontier Province and then headed for the Punjab. I am sure my honourable friend will concede that it is not a fault of ours that they traversed another province and burnt a police station. What happened then? The North-West Frontier Police very kindly gave us timely intimation, and the citizens of Isakhel were warned in time with the result that they were prepared for this large horde of raiders who were well armed. When these raiders arrived they entered the city through different gates and they were received with volley of fire from all quarters. The citizens themselves had organised different parties in different parts of the city under the direction of the police, and I must here pay my tribute to the police and also to the sub-assistant surgeon who very bravely associated himself with the police and the citizens. One of our honourable colleagues here, Khan Bahadur Ghulam Qadir Khan, also took up one of the most difficult positions in the city and he was responsible for repelling the raiders without any loss so far as he was concerned except that one of his servants was wounded while one of the raiders was killed and his body was left on the spot. It is believed that four other

[Premier].

people of the raiders were killed and that their bodies were carried away. There was no loss of property. The raiders then went away and took refuge in the adjoining hills. Subsequently, information was received that approximately 300 other people had come to join them to avenge themselves on the citizens of Isakhel who had inflicted such loss on them. Unfortunately the police force there was not adequate to meet the attack of a big raiding gang like that, because after all it is not the business of the police to be prepared for a big onslaught like that. So we had to seek the help of the military authorities. A battalion of infantry left the same evening from Rawalpindi for Kalabagh, to round up the raiders and see that they did not get back. We tried to bottle them up so that they could not get an opportunity of going back. The North-West Frontier Police on their side strengthened their various positions and we were thus able to corner the raiders. Evidently my honourable friend's information is not correct. Presumably he has been misled by wrong information. The citizens of Isakhel are all praise for the police and for the authorities and we are very naturally very grateful to the citizens who tried to help their neighbours who were unarmed. I may for the information of my honourable friend read a very relevant document which luckily came into my hands this morning. It is a series of resolutions passed by the Mianwali District Association under the presidency of Dr. Dhalla Ram :

" The members of this association feel concerned with the conditions prevailing in the district particularly in the Isakhel Tahsil with regard to danger of dacoities by Waziris and other trans-border tribes.

Resolved that the members of this association are extremely grateful to the authorities of the district for the prompt action they took in saving the inhabitants of Isakhel from the brutal attack made by the Waziris on the afternoon of the 12th instant.

They highly appreciate and place on record the timely help given by the Deputy Commissioner and the Superintendent of Police to the inhabitants of Isakhel in this hour of very great danger.

The association feels encouraged and hopes that in future also similar help will be forthcoming from the authorities for protecting the life and property of the people of this peculiarly situated ilaqa near the River Indus.

This association views with very great satisfaction the unity and brotherhood displayed by the Muslims and Hindus of the town in opposing the common enemy and hopes that this fraternal spirit will permeate into the whole district and thus make the whole ilaqa safe and peaceful.

This association is also grateful to Khan Bahadur Khan Ghulam Kadir Khan, M.L.A., for the bravery he has shown on this occasion in defending the city, and expresses sympathy with his servant who has been wounded in this noble cause.

This association congratulates the residents of Isakhel on the bravery they exhibited on the 12th of February in defending their city."

I wholeheartedly associate myself with this last resolution and am sure that the members of this House will also do so. (*Loud cheers.*)

Lala Duni Chand : May I point out that the gravity of the matter lies in the fact that the trans-border raiders have started invading Sir Sikander's own province. All that I want to say is that things of that kind should be nipped in the bud.

Mr. Speaker : The next motion.

Premier : I am very sorry to interrupt but they have learnt the lesson of their lives, and I hope that they will learn a still bigger lesson, if they make another attempt.

Lala Duni Chand : May I know if it is in view of the satisfactory statement of the Premier that you are going to rule out the adjournment motion or you feel that it is out of order?

Captain Malik Muzaffar Khan : Lala Duni Chand is not in his senses. Instead of giving credit he is criticising.

SEDUCTION OF BOYS BY TEACHERS.

Lala Duni Chand : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the unsatisfactory and contradictory nature of the replies given to my question No. 5833, dated 8th February, 1940, and my supplementary questions relating to the alleged seduction of certain boys inasmuch as the Honourable Minister for Education, on 2nd November, 1939, in reply to question No. 4960¹ put by the honourable Lala Bhim Sen Sachar stated that "Director of Public Instruction promised to ascertain the facts of the case and this has been done and that three of these teachers have been called upon to show cause why their departmental certificate should not be cancelled under Section 180, Punjab Education Code" and further that "in the case of the fourth man the Administrator, Lahore Municipality, is now being asked to hold an enquiry" while on 8th February, 1940, in reply to my question he stated that "it has since been decided to cancel the senior vernacular certificate of M. Shah Mohammad, late vernacular teacher, Islamia High School, Bhati Gate, Lahore. The cases of the three teachers are still under consideration and that the Administrator, Lahore Municipality, has been asked to hold the necessary enquiry and take suitable action; he has not yet reported as to what action has been taken.

I have quoted facts and figures.

Mr. Speaker : Sardar Hari Singh may take up his motion.

Lala Duni Chand : On a point of order. Can you extend to me the courtesy of letting me know the reason why you have disallowed my motion? (Voices : Order, order.)

Mr. Speaker : It is not a question of courtesy, it is a question of rules, which I am following. As the motion is not in order, I do not wish to read it to the House.

EDUCATION BUDGET OF DISTRICT BOARD, JULLUNDUR.

Sardar Hari Singh : I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the proposal to cut down the Education

[S. Hari Singh].

Budget of District Board, Jullundur, from 52 per cent to 27 per cent of the annual income of the Board, affecting the livelihood of about eleven hundred teachers and seriously curtailing facilities for the education of children.

Mr. Speaker : Has the resolution been passed by the Jullundur District Board or is it still under consideration ?

Sardar Hari Singh : The Minister of Education can throw light on the accurate position in the matter.

Mr. Speaker : That is a different question.

Sardar Hari Singh : Representations have been submitted by us to the effect that at the instance of the Deputy Commissioner, who is Chairman of the District Board, the District Board, Jullundur, is proposing to cut down the Education Budget.

Mr. Speaker : So, no resolution has been passed yet.

Sardar Hari Singh : The resolution has been passed.

Mr. Speaker : May I know whether any representation has been made to the Commissioner of the division to take action under section 45 of the District Boards Act ?

Sardar Hari Singh : I do not know.

Diwan Chaman Lall : A deputation was not received.

Mr. Speaker : How is the administrative responsibility of the Government involved at this stage ?

Sardar Hari Singh : May I refer you to section 39 of the District Board Act which says :—

" 39. (5) The Deputy Commissioner shall, on or before a prescribed day, signify in writing to the board his approval or disapproval of the estimate. When he disapproves of the estimate, he shall state the nature of his objection. The board shall then consider the matter, and either modify the estimate, as to remove the objection, or refer it through the Deputy Commissioner to the Commissioner of the division. If the Commissioner concurs in the objection, he shall make such modification in the estimate as may, in his judgment, be necessary to remove the objection, in whole or in part. If he does not concur in the objection, he shall pass the estimate, and his order shall be final and binding on the board.

Mr. Speaker : May I invite attention of the honourable member to sections 45 and 49 ? This section relates to a previous stage and not to the stage at which matters stand at present.

Sardar Hari Singh : Here it means the Local Government. Where Deputy Commissioner is the Chairman of the Board, there Deputy Commissioner means Commissioner and Commissioner means Local Government. Rule 45 says :—

" The Commissioner of the division or the Deputy Commissioner of the district may by order in writing, suspend, within the division or district, respectively, the execution of any resolution or order of a district board or local board or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under the cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons."

This relates to matters where it is *ultra vires* and in excess of the powers conferred by law. Here interference of the local Government or Commissioner refers to cases where it is *ultra vires* of the district board. Section 39 is the only relevant section as regards approval or disapproval of estimates of a district board. So, section 45 does not apply. Section 39 should only be considered.

Minister of Public Works (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana): As far as I am concerned, I would invite your attention to the short notice question, the notice of which has been given by the honourable member himself. We are making enquiries and if he waits till the reply is given to that short notice question, which I hope to accept, then we can discuss the matter. At present the only information we have received is that the district board has passed a certain resolution about which we have received a representation just as the honourable member has. We have asked for facts. If the honourable member waits till we receive full information, we will discuss the matter then if need be. At present no useful purpose will be served because the matter is yet to be considered by the Commissioner who has to pass the budget of the district board.

Sardar Hari Singh: The adjournment motion may be held over till the answer to the short notice question has been received by the Honourable Minister.

Diwan Chaman Lall: I understand that the question, the notice of which has been given is a starred question and not a short notice question.

Minister: There is also a short notice question by Sardar Hari Singh which I hope to accept.

Diwan Chaman Lall: Do I take it that the matter of urgency would be waived after my honourable friend has received the necessary information? (*Premier*: Yes.) I hope my honourable friend's colleague will not object to it on that ground.

Minister for Education (The Honourable Mian Abdul Haye): I would ask my honourable friend not to press his motion for a fortnight because enquiries are being made and it has been arranged that in the first week of March, the Director of Public Instruction will go to Jullundur and discuss the matter on the spot with the Commissioner, the Deputy Commissioner and if necessary with other members of the District Board. After the result of that discussion is known to the Government and if there is any ground for moving this motion, the honourable member will be at liberty to do so.

Sardar Hari Singh: I hope this motion will not be treated as out of date then.

Minister of Public Works: The honourable member may give fresh notice.

POSTPONEMENT OF ELECTIONS TO LOCAL BODIES.

Chaudhri Krishna Gopal Dutt: Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite

[Ch. K. G. Dutt].

matter of urgent public importance, namely, the order of the Punjab Government, dated 10th instant, postponing the general elections of local bodies for one year.

Minister for Public Works (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana) : I submit that this is a matter which can be with advantage, if there is no objection, left over when the budget is before the House and it should be raised then. This has been the practice in the past.

Mr. Speaker : The honourable 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 order of the Punjab Government, dated 10th instant, postponing the general elections of local bodies for one year. Any objection? (Voices : No.) The motion will be taken up at 4-30 p. m. to-day.

SEATING ARRANGEMENTS.

Diwan Chaman Lall : Before you go on to the agenda of the day, may I with your permission say one word in regard to a matter which has already been communicated to you?

Mr. Speaker : Seating arrangement?

Diwan Chaman Lall : Yes, Mr. Speaker. All I want to say is this that this matter has been pending for a long time and I do hope that you will be able to make some arrangement with the Leader of the House and the Leader of the Opposition with regard to the request made by us that these benches should be reserved for the members of the Opposition and that the front benches of the Opposition should be reserved only for the members of the Opposition. You were kind enough to inform me that you would look into the matter in three days' time.

Mr. Speaker : I received the honourable member's letter yesterday, and will go into the matter at the earliest possible opportunity, after consulting the Honourable Premier and the Honourable Leader of the Opposition under rule 50.

Diwan Chaman Lall : I take it that the earliest possible opportunity, as you were good enough to communicate to me, was within three days.

Mr. Speaker : I will do my best to have the matter finally decided within 2 or 3 days or at the most within a week.

GOVERNMENT BUSINESS ON THURSDAY, 22ND FEBRUARY, 1940.

Premier : Sir, I beg to move—

That Rule 13 of the Punjab Legislative Assembly Rules be suspended that Government business be transacted on Thursday, the 22nd February, 1940.

It is hardly necessary for me to repeat the reasons which I gave on the last occasion. This is the only day which we have taken in this month.

Mr. Speaker : The motion moved is—

That Rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 22nd February, 1940.

If necessary only two honourable members may speak on this motion. I mean the Leader of the Opposition and the Honourable Premier.

Diwan Chaman Lall : In regard to this matter I should be grateful if you would ask Mian Nurullah also to say one word as he has given notice of an amendment in regard to this matter.

Mr. Speaker : But is that amendment in order? Will the honourable member read it with the motion?

Diwan Chaman Lall : Are you ruling it out of order?

Mr. Speaker : I have not given my ruling yet.

Diwan Chaman Lall : I would submit that when an amendment to a substantive motion is moved and if that amendment is in consonance with the substantive motion, it should be acceptable. But apart from the question of admissibility, I would strongly protest once again against the attitude of Government in utilising for Government business these days which are reserved purely for non-official business. As I said on the last occasion, I admit that there is great pressure of work which has got to be got through, but it must not be got through at the expense of the rights and privileges of the Opposition. The rights and privileges of the Opposition should be considered to be sacred and they should not be invaded by the Government lightly. On the last occasion my honourable friend was pleased to state that Government would probably find another day for the day that they have already utilised and which belonged to the Opposition. But we have no assurance now to-day, when my honourable friend is making use of the second Thursday, that he would give us an extra day again in lieu of Thursday which he is utilising for transaction of Government business. I submit that the difficulty can be got over in future by the House sitting on Saturdays. There can be no objection to the honourable members sitting on Saturdays to get through the business. The difficulty can also be got over by Government so arranging their programme as not to leave a long period between one sitting and another. Some time they break for 10 days and some times for a period of several months. All this can be avoided if the programme is so arranged. I must register my protest against the utilisation of Thursdays by Government, which ought to be reserved in future for the transaction of non-official business and I do hope that it will be the last occasion on which my honourable friend brings forward such a motion.

Further I hope my honourable friend will give the House some sort of guarantee that for this day, which is taken over, a day will be found on some future occasion and a not distant occasion—for the purpose for which Thursdays are meant.

Premier : I think it is hardly necessary for me to repeat, what I have on several occasions before stated on the floor of the House. My honourable friend apparently has misunderstood what I said on the last occasion so far as this motion is concerned. He is under the impression that I gave an unqualified assurance to this House that a day will be found anyhow. What I actually said was that if the business progresses satisfactorily I may be in a position to find a day at the end of the session for the transaction of private business, although it may not be a Thursday. What I said was that, apart from Thursdays, I will try if possible to accommodate my honourable friends for the transaction of non-official business, and that this would depend

[Premier].

on the progress that we make with regard to the business which is before the House. My honourable friend lays stress on the rights and privileges of the members of the House. I am no less zealous for the rights and privileges of the members of the House, but I may point out to him that there is another body, a body whose interests we are here to safeguard and that is the public. My honourable friend must remember that all interests must give way before the interests of that body. We have been sitting for well-nigh 5 months with short breaks, and may I ask my honourable friend whether he can honestly say that we have made satisfactory progress? No, we have not made any progress. I may remind my honourable friend that it costs this Government Rs. 4,500 a day and my honourable friend still wants to prolong the session. My point is that whenever it is possible we are always willing to accommodate our honourable friends opposite. In the beginning of the session we did not take away private business days. My honourable friend also must be aware that in the British Parliament it is only once in a blue moon that private members get their day: it is always taken up for public business because after all it is public business with which we are concerned, and not with making political capital out of resolutions or other such petty minor things for party purposes. My honourable friend must admit that when it is a private members' day those benches are usually empty, and that is the interest which they take in private members' day; but that is neither here nor there. I want to point out that we are only too glad to accommodate our honourable friends over there if we make satisfactory progress and I will try to provide a day for the transaction of non-official business at the end of the session, not necessarily a Thursday. As I said on the last occasion we might have to meet on Saturdays although it would be extremely inconvenient to Government, because we have to do Government work in addition to Assembly work; but I am prepared, and my colleagues are prepared, to bear that additional burden for the sake of the interests of the province. I must also warn my honourable friend that we may have to sit for longer hours. If it is necessary, and I come to the conclusion that the progress made is not satisfactory, I may bring forward a motion to the effect that we should sit from 12 to 9 p. m. to finish the business on the agenda. Thereafter if we have to go beyond the 15th April I might be able to find time for my honourable friends and give them an occasion to transact non-official business, Thursday or some other day.

Diwan Chaman Lall: Mr. Speaker, may I say a few words in reply to my honourable friend the Premier. I think it most unfortunate that my honourable friend on occasion after occasion is obsessed with the idea that the Opposition want to make political capital out of something or other. As a matter of fact it is my honourable friend himself who is making political capital out of this affair. His speech shows that he wants to make political capital out of routine matters. It was an unfair thing that non-official days should be utilized by the Government for official business and our rights should be invaded. He says that we want to prolong the session. Was it or, was it not my suggestion that Saturdays should be utilized if there are some arrears of work? As a matter of fact members do get the allowance

for Saturday even if there is no session on that day. Therefore there is no question of any extra charge which my honourable friend might be contemplating in a most imaginative manner. My honourable friend should realise that we are equally anxious to finish public business. The difference between us is that he gets a salary of Rs. 8,500 a month besides other allowances whereas we do it by sitting here and giving up our professional work. I submit that in these matters my honourable friend should restrain himself a little in future and consider the interests of the members of the House as well. After all rule 18 was framed to provide that on Thursdays business other than Government business shall have precedence..... "Provided that on a motion made after a day's notice by a Minister this rule may be suspended and the Assembly may transact Government business on a Thursday". I submit that the rule was made because it is necessary in the peculiar circumstances and conditions of the Indian provinces which do not prevail in Great Britain. In these peculiar circumstances it is necessary that there should be time provided for honourable members who are not attached to the Government to express their views and opinions which ordinarily are not listened to by the Government, and that they should have a day to bring forward their schemes in the shape of resolutions and in the shape of bills. That was the *raison d'être* for that rule. I submit that if my honourable friend wishes to take away the days which are reserved for non-official business he should do it reluctantly and not boastfully by referring to the practice in the House of Commons. Therefore I ask my honourable friend once again to provide two extra days for the two days taken for the purpose of transacting non-official business.

(*Mian Nurullah stood up.*)

Mr. Speaker : The honourable member's amendment¹ is out of order, as it goes beyond the scope of the motion.

Mian Muhammad Nurullah : Can we oppose the motion as it stands? We have a right to oppose the motion.

Mr. Speaker : The honourable member has a right to oppose it, but to save time I suggested at the very beginning that only two speeches will be made—one by the Leader of the Opposition and the other by the Honourable Premier.

Mian Muhammad Nurullah : We never get a chance.

Mr. Speaker : The honourable member is welcome to speak :

Premier : My honourable friend Diwan Chaman Lal has again pleaded that a day should be allotted for the Opposition. I have already stated that I will do my very best. It is up to my friend to make the progress so rapid that I may be able to find two days instead of one, but that would depend again on the progress made with Government business, and I am sure my honourable friend will co-operate with me. So far the difference between him and me—and it is not a matter for any umbrage—the difference is that I have the responsibility of running this Government and he has not, and I am certain that if my honourable friend had been in my position he would have taken much earlier the step which I have taken, because I happen to be the sort of person who seldom ventures to rush into a thing. During this

¹ Provided Government agrees to give a day not being a Thursday for the transaction of business other than Government business within this financial year.

[Premier].

session we have not been able to make satisfactory progress though we have been sitting for the last five months. So far as the circumstances to which my honourable friend referred are concerned, those were peculiar circumstances under the old constitution. We are here as representatives of the public to carry out the administration of the province in the best interests of the people themselves and in the shortest possible time. Otherwise there is no quarrel between him and myself. We will do our best so that I can accommodate my honourable friends with regard to allotting a non-official day.

Mian Muhammad Nurullah : I rise to oppose this motion.

Mr. Speaker : The understanding was that no speeches will be made except by the Leader of the House and the Leader of the Opposition.

Mian Muhammad Nurullah : I have a right to speak.

Mr. Speaker : But the work must be facilitated and not obstructed.

Mian Muhammad Nurullah : I can assure you that I am not obstructing.

(Urdu) : Sir, I want to make it clear that it has never been my intention to prevent the Government business from proceeding smoothly, and to put a block in its way. If the Honourable Premier had not delivered the speech which he did and you had simply ruled my amendment out of order, I would not have stood up to speak. I again assert that it was not at all in my mind to block the proceedings. Time and again it has been stated that that is not the practice in the House of Commons.

Mr. Speaker : The honourable member is repeating the arguments advanced by Diwan Chaman Lall.

Mian Muhammad Nurullah : We need go no further than our own province to know what the parliamentary procedure has been. Sir Sikander Hyat-Khan has himself been a member of this House for over ten years. I have also been here during that period and he knows that in the days of Dyarchy when the Government had the full support of the nominated bloc and could do as they liked, they did not go so far as to throttle the opposition in this high-handed manner. This is not Democracy but dictatorship in its worst form. He is now smiling, but I would request you, Sir, that you should let us have our say, and should allow us to give vent to our feelings (hear, hear), so that you may not have to listen to so many speeches which are delivered in case permission is not given to honourable members on this side to put before the House the matters which they consider useful and beneficial to the province. The Government specifically introduced the Assembly Offices Bill in order to prevent the Opposition from having their say and thousands of rupees of public money were simply wasted. I would submit that the Opposition should be allowed to give expression to their views at least about petty matters.

Mr. Speaker, it will be clear from my amendment that it was not intended to be an obstruction but was rather by way of co-operation.

Mr. Speaker : I have declared it out of order.

Mian Muhammad Nurullah : Sir, in regard to the 22nd, which day is being snatched away from us I would like to mention that I had worked hard in order to give notice of a Bill and entered my name in the numbered list. But now the Government have issued dictatorial orders that the day reserved for non-official business has been taken over for the transaction of Government business.

Mr. Speaker : The honourable member is irrelevant.

Mian Muhammad Nurullah : Sir, I want to prove that the non-official business of which notice was given, is of more consequence and importance to the public than the Government business. If there is any doubt as to the veracity of my statement, I would submit that votes may be invited from the public and in spite of the fact that the Government have the support in this House of an overwhelming majority, I am confident that the consensus of opinion will be in favour of my Bill. I assert without any fear of contradiction that the measures brought forward by us are more important and useful than those of the Government. What you want to do by your Bills is also the object underlying our Bills and the Bill that we want to put forward is as dear to us as your own Bills are to you.

Even in the days of the dyarchical system of government the Opposition was allowed two days to introduce non-official business but in the regime of my honourable friends opposite, instead of giving us every facility for transacting our business we are being deprived of every opportunity that the rules of this House afford us.

Last time the Honourable Premier promised that he would try to allot one day other than a Thursday for non-official business but he has instead of giving us one day taken one more day from us.

Mr. Speaker : That argument was advanced by the honourable Diwan Chaman Lall.

Mian Muhammad Nurullah : No Sir, he did not say, that two Thursdays have been appropriated for the discussion of Demands for Grants. I know that the Budget is to be passed within this financial year but there was no justification for the Government to have appropriated the previous two Thursdays.

How are we to know that this session will continue after the Budget and an opportunity will be given to us to transact non-official business? Why this encroachment on our rights? Has an astrologer told them that if ever this ministry falls it will be on a non-official Thursday? They have an overwhelming majority and need not worry.

I have never raised any objection in this connection during the last three years. What I want to emphasise is the fact that if the Government have framed a certain rule they should stick to it. If they think that they frame rules in order to break them, then I must be permitted to say that we are not going to tolerate that state of affairs.

In the end I again wish to make it clear that it was far from my mind to put a block in the way of the Government. On the contrary, I stand for fullest co-operation so far as smooth working of the business of the House is concerned.

(At this stage Honourable Premier rose to speak).

Mr. Speaker : The Honourable Premier has already spoken twice. Is there any law or rule under which I can allow him to speak again?

Premier : I did not know that my honourable friend was going to speak, otherwise I would have spoken after him.

Mr. Speaker : I cannot allow another speech.

Premier : There are several misunderstandings which I wish to remove.

Mr. Speaker : But, to my great regret, I cannot allow him, under the rules in force to speak again.

Premier : I want to refute the arguments of my honourable friends opposite in just one or two sentences.

Diwan Chaman Lall : I am very sorry, but much as I would like to hear the Honourable Premier—I am always delighted to hear him—we must not break the rules of the House.

Mr. Speaker : The Honourable Premier may take some other opportunity to reply.

Premier : I bow to your ruling.

Mr. Speaker : The question is—

That rule 13 of the Punjab Legislative Assembly Rules be suspended and that Government business be transacted on Thursday, the 22nd February, 1940."

The Assembly divided : Ayes 72, Noes 88.

AYES.

Abdul Haye, The Honourable Mian.	Few, Mr. E.
Abdul Rahim, Chaudhri (Gurgaon).	Ghazanfar Ali Khan, Raja.
Afzaalali Hasnie, Sayed.	Ghulam Mohy-ud-Din, Khan
Ahmad Yar Khan, Chaudhri.	Bahadur Maulvi.
Ali Akbar, Chaudhri.	Ghulam Rasul, Chaudhri.
Amjad Ali Shah, Sayed.	Gopal Singh (American), Sardar.
Badar Mohy-ud-Din Qadri, Khan	Gurbachan Singh, Sardar Bahadur
Sahib Sayed.	Sardar.
Bhagwant Singh, Rai.	Habib Ullah Khan, Malik.
Chhotu Ram, The Honourable	Hajbat Khan Dahi, Khan.
Chaudhri Sir.	Hans Raj, Bhagat.
Dasaundha Singh, Sardar.	Hari Chand, Rai Sahib Rai.
Faiz Muhammad Khan, Rai.	Harnam Singh, Captain Sodhi.
Faiz Muhammad, Shaikh.	Het Ram, Rai Sahib Chaudhri.
Farman Ali Khan, Subedar-Major	Indar Singh, Sardar.
Raja.	Jagjit Singh Mann, Sardar.
Fateh Khan, Khan Sahib Raja.	Khizar Hayat Khan Tiwana, The
Fateh Muhammad, Mian.	Honourable Major Nawabzada Malik.
Fazl Ali, Khan Bahadur Nawab	Kishan Das, Seth.
Chaudhri.	Manohar Lal, The Honourable Mr.
Fazl Din, Khan Sahib Chaudhri.	Muhammad Akram Khan, Khan
Fazl Karim Bakhsh, Mian.	Bahadur Raja.

Muhammad Amin, Khan Sahib Shaikh.	Pir Muhammad, Khan Sahib Chaudhri.
Muhammad Ashraf, Chaudhri.	Pohop Singh, Rao.
Muhammad Azam Khan, Sardar.	Prem Singh, Chaudhri.
Muhammad Faiyaz Ali Khan, Nawabzada.	Ranpat Singh, Chaudhri.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.	Rasat Ali, Khan Bahadur Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Hussain, Chaudhri.	Sadiq Hassan, Shaikh.
Muhammad Nawaz Khan, Major Sardar Sir.	Sahib Dad Khan, Khan Sahib Chaudhri.
Muhammad Qasim, Chaudhri.	Shahadat Khan, Khan Sahib Rai.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.	Shah Nawaz, Mrs. J. A.
Muhammad Yasin Khan, Chaudhri.	Shah Nawaz Khan, Nawab Sir.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.	Sikander Hyat-Khan, The Honourable Major Sir.
Muzaffar Ali Khan Qizilbash, Sardar.	Singha, Diwan Bahadur S. P.
Muzaffar Khan, Khan Bahadur Captain Malik.	Sultan Mahmood Hotiana, Mian.
Muzaffar Khan, Khan Bahadur Nawab.	Sumer Singh, Chaudhri.
Nasir-ud-Din, Chaudhri.	Suncar Singh Majithia, The Honourable Dr. Sir.
Nasrullah Khan, Rana.	Suraj Mal, Chaudhri.
	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.

NOES.

Ajit Singh, Sardar.	Mazhar Ali Azhar, Maulvi.
Bhim Sen Sachar, Lala.	Muhammad Hassan, Chaudhri.
Chaman Lal, Diwan.	Muhammad Iftikhar-ud-Din, Mian.
Chanan Singh, Sardar.	Muhammad Nurullah, Mian.
Dev Raj Sethi, Mr.	Mukand Lal Puri, Rai Bahadur Mr.
Duni Chand, Lala.	Mula Singh, Sardar.
Duni Chand, Mrs.	Muni Lal Kalia, Pandit.
Faqir Chand, Chaudhri.	Prem Singh, Mahant.
Gokul Chand Narang, Dr. Sir.	Raghubir Kaur, Shrimati.
Gopal Das, Rai Bahadur Lala.	Rur Singh, Sardar.
Hari Singh, Sardar.	Sampuran Singh, Sardar.
Harjab Singh, Sardar.	Santokh Singh, Sardar Sahib Sardar.
Harnam Das, Lala.	Sant Ram Sethi, Dr.
Jalak-ud-Din Amber, Chaudhri.	Satya Pal, Dr.
Kabul Singh, Master.	Shri Ram Sharma, Pandit.
Kapoor Singh, Sardar.	Sita Ram, Lala.
Kartar Singh, Chaudhri.	Sohan Singh Josh, Sardar.
Kartar Singh, Sardar.	Sudarshan, Seth.
Krishna Gopal Dutt, Chaudhri.	
Lal Singh, Sardar.	

MOTOR VEHICLES TAXATION (AMENDMENT) BILL.

Clause 4.

Mr. Speaker : The House will now resume discussion of the Punjab Motor Vehicles Taxation (Amendment) Bill. Question is—

That clause 4 stand part of the Bill.

The motion was carried.

Clauses 5—10.

Mr. Speaker : Question is—

That clauses 5—10 stand part of the Bill.

The motion was carried.

Preamble.

Mr. Speaker : Question is—

That the Preamble be the Preamble of the Bill.

The motion was carried.

Title.

Mr. Speaker : Question is—

That the Title be the title of the Bill.

The motion was carried.

Parliamentary Secretary (Shaikh Faiz Muhammad) : I beg to move—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be passed.

Mr. Speaker : Motion moved is—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be passed.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) :

2 P. M. Sir, I wish to say a few words at this stage in opposition to the passing of the Punjab Motor Vehicles Taxation (Amendment) Bill as proposed by my honourable friend the Minister for Public Works.

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

The Bill has reached this stage without the change of a single comma or a semi-colon. We proposed certain amendments to clause 5 and particularly to clause 4 in order to mitigate the harshness of the severe penalty of fine proposed in sub-section (1) for the commission of this offence for the first time and for repetition of the offence. But with a huge majority

at his back, my honourable friend opposite would not condescend to listen to our arguments. He will not agree to accept the very modest amendments proposed by this side of the House. So they were rejected. The same arguments which were advanced against this measure when the circulation motion was moved by me can be repeated. The same objections can be advanced to this legislative measure which is now at the third reading stage before this House. The arguments and the objections which were raised by me at that time were not at all met by my honourable friend the Minister for Public Works. On the other hand, he evaded answering those arguments and he tried to shirk those objections and alleged in his speech that it was we on this side of the House who were wandering far from the provisions of the Bill. He said that we were beating about the bush and we were not to the point. I have got notes of his speech made on that occasion and if I refer to these notes it is only to show that his mind was not clear. He did not know what he was saying. He contradicted himself in various parts of his speech. He said one thing in one part of his speech and he said quite a different thing in another part of his speech. For instance, at one stage he said that if this measure was not passed before a certain date, the provincial revenues would lose to the extent of a large sum. In another portion of his speech he said by passing this legislative measure we are not gaining anything, on the other hand we are losing revenues. The provincial exchequer will lose if we pass this measure and on the other hand he said that if you do not pass this measure then we shall lose. Therefore he asked: help us to pass this measure so that the provincial revenues may gain. This is blowing hot and cold in the same breath. He forgot what he said at one stage and he spoke quite a different thing at another stage. My honourable friend said if this is not done there is a considerable danger. What is not done? If this Bill is not passed and made law a lot of leakage would take place and the provincial revenues would suffer. We want to legalize the *status quo*. That was in reference to a display of a token. I said at that time that the display of a token, the failure to display a token was merely a technical offence and we ought to differentiate between the offence of plying a lorry without having paid the provincial taxes and the offence of not displaying the token. These are two different matters altogether. My honourable friend even now should be clear-headed and should differentiate between a mere technical offence of failure to display the token and offence of plying a motor lorry without payment of taxes. A different provision already exists to penalize a fellow who plies the lorry without paying the provincial taxes every quarter. The lorry-owner has got to pay the provincial taxes. When he has paid the provincial taxes, he is issued a licence, a permit to ply the lorry. If that permit is not obtained by a definite date, the lorry owner or the driver cannot ply his lorry on the public roads. The penalty for failure to pay the tax up to a certain date and plying the lorry after that date is already provided for in a certain section. But here when a lorry owner or a driver has paid the provincial taxes and has got the permit to ply the lorry on public roads and does not display the token according to the rule which is to be framed under this measure, then he will be penalized according to the provisions of clause 4 which will be section 16 of the Motor Vehicles Taxation Act. That will be merely a technical offence after a lorry-owner has paid the provincial taxes, and he has got the permit and

[S. Hari Singh.]

the licence. Under this provision he will be required to display a token at a certain place. So it will be only a technical offence if a lorry-owner has paid the provincial taxation and has got the permit but fails to display the permit in a certain manner prescribed under this provision. The idea underlying the provision is to enable the traffic police to find out easily and conveniently whether the lorry owner has paid the provincial tax or not. If the token is not displayed it will be rather difficult or rather inconvenient and it may take a long time for the traffic police to check whether the lorry owner concerned has paid the tax or not. It is only to facilitate checking whether the tax has been paid or not that this provision has been made regarding the display of the token. Therefore if a person has paid the tax but does not display the token, it will then be only a technical offence and so the punishment for that offence must not be severe. We therefore wanted to tone down the punishment, namely, that for the first offence there should be no penalty and for a repetition of the offence the fine should be Rs. 10. But the Honourable Minister was adamant and would not budge an inch from his position. He insisted that the penalty must be Rs. 100 as laid down in this clause. I say that this punishment is extremely severe for a poor lorry owner or driver. I would say it is monstrous to say the least.

The Honourable Minister then said that opinions were obtained on a similar measure in the days of the old Legislative Council. With the dissolution of the old Legislative Council those opinions also probably went into the waste paper basket. Not only has he himself not studied those opinions but he has not even enlightened the House as to where those opinions could be got from. He says that the local bodies would not like to part with the wheel tax. If that is so, they must have cogent reasons for not wishing to part with the tax. Has the Honourable Minister ever cared to enquire from the municipalities concerned as to what their reasons are for not wishing to part with this wheel tax particularly when the Government were at that time prepared to compensate them for the loss of this revenue on the basis of three-yearly average? He ought to be reasonable and ought to take the municipalities into his confidence before proceeding with this measure. He said that he wanted to do away with the anomaly of different rates of tax levied by different municipalities on motor vehicles. No doubt the municipalities have got power under the present law to levy different rates of tax. But if the object of the Honourable Minister was merely to do away with the anomaly of different rates at different places that could have been done by making it obligatory on the municipalities to levy the same rate. Evidently that is not his object. What is his ultimate object? I hinted the other day that this Bill was objectionable because it was not honest and straightforward and that it was based on the recommendations of the Resources and Retrenchment Committee which says that the wheel tax should be abolished and that the provincial taxes should be increased. My friend, the Honourable Minister was put a direct categorical question and he kept mum. He was going to answer my question by saying 'yes' or 'no', but his chief in the Cabinet asked him to keep mum. Even though he promised to answer the question in the course

of his reply to the debate, subsequently he shirked answering the question and said some vague things like this—the Resources and Retrenchment Committee might have recommended some increase in taxation of motor vehicles. He said “might have”. Presumably he was not sure of that. Apparently he has not read the report. He said “That is not the point before the House”. Certainly the question whether the Retrenchment and Resources Committee had made certain recommendations or not on the issue whether the provincial tax should be increased or not is not before the House. But I do maintain that this measure has been brought on the anvil in pursuance of the recommendation of the Resources and Retrenchment Committee and this Bill is only the thin end of the wedge. That is why I object to it. Sometimes an evil thing happens and we reconcile ourselves to the evil thing by saying that it is a blessing in disguise, it may bring forth good results though it appears to be an evil thing at the present moment. Similarly to an ordinary layman this measure may appear innocuous and even a blessing to the lorry driver from whom this burden of tax is going to be lifted. But when one knows that the recommendation of the Resources and Retrenchment Committee will be put into effect, if not now at least in a month or two, and that the provincial taxation will be increased, he will see that this Bill is a curse in disguise. Although the Bill appears to be one to lift the burden off the shoulders of the lorry driver, in reality it is intended to increase the burden on the lorry driver and so it is a curse in disguise. When he said that the Resources and Retrenchment Committee’s recommendations were not before the House, Mian Abdul Aziz interrupted him and said that they will come gradually, that increased taxation will come gradually. At that moment my friend said that it will be for the House to decide whether to increase the provincial taxes or not. It was for the House to decide and not for him and his colleagues. It means that he will not take any initiative in the matter. Does he mean that? I want to tie him down to a definite promise at this stage. He said that no increase in taxation was contemplated but still he turned round, changed his mind suddenly and said that if taxation were to be increased, a separate measure will be brought forward. At one stage he says that he is not prepared to increase taxation and in the next breath he says that the taxation is to be increased and a separate measure will be brought forward. No doubt, if he wishes to increase provincial taxes, he will have to bring in a separate measure and I do know that he is bringing in a separate measure in pursuance of Resources and Retrenchment Committee’s Report, but he ought to have made admission of the fact that he does intend, after a short time, to bring in that measure. Our contention was that he ought to be more honest by embodying the recommendations of the Resources and Retrenchment Committee as to the wheel tax in the same clause and in the next clause there should be increase of provincial taxes if they want to increase them. For God’s sake do not use this Bill as an argument for increasing provincial taxes when you now say from the house-tops that you are going to ease the burden of lorry-owners by abolishing wheel tax altogether. He said that what they intended to do was to secure uniformity of control and uniformity of taxation. Do it by all means. Uniformity of control can be attained even without passing this measure and uniformity of taxation cannot be attained by increasing the provincial

[S. Hari Singh].

taxes. Uniformity of taxation could be achieved otherwise without increasing the burden. With these few words, I oppose the third reading stage of this measure.

Lala Duni Chand (Ambala and Simla, General, Rural): Sir, my fears are that this Bill is going to add materially and heavily to the grievances and sufferings of the motor and lorry drivers and I, therefore, oppose the third reading of this Bill. If they are living in this world with open eyes, I want them to know what the grievances of the motor and lorry drivers are and what they have done for them. There are two serious objections to this Bill and I shall confine my arguments only to those two serious aspects of the Bill. One aspect of the Bill is that it proposes to take away from the municipalities a very important source of income. You know that the municipal committees require funds badly for so many good and beneficial purposes. If the municipal committees, apart from other things, are unable to achieve any great object, it is due to the fact that the funds at their disposal are very limited. They are doing wrong to the Local Self-Government by taking away this source of income which had been enjoyed by the municipal committees for the last thirty or forty years. We expected the Government to give convincing reasons as to why this source of income is being taken away from the municipal committees. I do not mind the provincial Government adding to its coffers as much as it legitimately can. We do not know what is in the mind of the Provincial Government, to what extent it is going to reduce the scanty income of the motor and lorry drivers. I know it for a fact that the majority of the motor and lorry drivers find themselves ruined after a short time. Perhaps it is not more than ten per cent of the motor and lorry drivers that make any income worth the name.

Mr. Deputy Speaker: I would request the honourable member to confine his speech to the matter contained in the Bill.

Lala Duni Chand: I wish you had studied the Bill properly. This is what I am doing. I submit that this Bill will add to further ruination of the motor and lorry drivers' trade. That is one reason. Another reason of mine is that it is going to provide heavy fine of twenty rupees in the first instance and a hundred rupees in the second instance. These fines will be for failure to expose the coupon. I invite the attention of the House to the fact that several provisions regarding offences of a similar nature are in existence already in the Motor Vehicles Act and they are being worked very harshly against the motor and lorry drivers. Perhaps the Honourable Minister of Public Works thinks that very few occasions would arise for inflicting the heavier penalty, namely, the fine up to one hundred rupees, but I may point out to him and other members of the House that this is an offence which would be repeated frequently. It is not an offence of the nature of theft or dacoity that it is not very often repeated. In view of the nature of the offence, it will be repeated many times and there will thus be frequent occasions for imposing heavy penalties, namely, one hundred rupees. If a motor or lorry driver, who can hardly make twenty or twenty-five rupees

a month, is fined after every month or two months, to what plight would he be reduced? He would be reduced to the plight which I consider pitiable. The plight of an average motor and lorry driver is already pitiable. The enforcement of this rule will certainly ruin them. These are the two most obnoxious features of this Bill against which I want to raise my voice. If the Government had not insisted upon retaining these two obnoxious features, perhaps we, on the side of the Opposition, would not have opposed it, but we are convinced that any good that we suggest or anything that emanates from this side is given no consideration whatsoever by this Government, therefore, the only honourable and honest course open to us is that we should point out on each and every occasion the wrong doings of this Government. The Government is badly erring in these two directions. Can he guarantee that his magistrates, who are being influenced in so many ways, will not be anxious to fine motor and lorry drivers in order to provide revenues for this Government which badly needs revenues for so many good or bad things? I, therefore, submit that this Bill is bound to be worked in a way that will add to the miseries, grievances and sufferings of the motor and lorry drivers and it is for this reason that I oppose the third reading of the Bill. I satisfy myself before I say anything or oppose anything. It is not for the sake of mere opposition or it is not on account of party reasons that I oppose this measure.

These are the two main reasons that I have given for opposing this measure and I shall reconsider my position if the Honourable Minister can satisfy us that the two reasons that I have given have got no force and that this measure will not work hardship upon motor drivers and motor owners. With these words I oppose the third reading of the Bill.

Khan Sahib Khawaja Ghulam Samad (Southern Towns, Muhammadan, Urban) (*Urdu*): Sir, I have very reluctantly stood up to speak on this Bill. As you are aware, I sit in this august House as a representative of not only four districts but also of 18 towns. When this Bill is going to adversely affect so many municipalities and small town committees in my constituency, I feel it my bounden duty to oppose this measure tooth and nail. (*Hear, hear from the Opposition benches.*) As a matter of fact I would be doing a great disservice to my constituents if I do not register my emphatic protest against this Bill. So far as section 4 of this Bill, which requires the owner of a motor vehicle to display a coupon in token of payment of the tax due from him, is concerned, I have no quarrel with it. But I consider the penalty, i.e., the amount of fine proposed, to be very harsh. My honourable friend, Sardar Hari Singh, suggested a fine of Rs. 10 for every offence. In my opinion even this amount is too much. It should in no case be more than Rs. 5 for the first offence, Rs. 2 for subsequent omissions. Perhaps the honourable members are not aware of the miserable plight of the poor lorry drivers. I may point out that these lorrywalas mortgaged their lands and houses in order to purchase lorries. They have staked their all in order to develop this industry. They would be hit hard by the enforcement of this measure. Again, though outwardly the Bill appears to be innocuous, the Government would make it a plant for levying more taxes. It has been provided in the Bill to abrogate the local wheel tax, but I have serious apprehensions that Government would

[K. S. Khawaja Ghulam Samad]:

lose no opportunity to enhance the tax. It is stated in the objects and reasons of the Bill:

A Bill to abolish the local taxes was introduced in the last session of the old Punjab Legislative Council and opinions were obtained on it by circulation; but proceedings were still incomplete when the new constitution came into effect.

It is quite apparent from this extract that a similar measure was intended to be brought on the legislative anvil. When it was circulated, it met with vehement opposition at the hands of the public. It is a thousand pities that in spite of the knowledge of the adverse public opinion the present Government have thought fit to introduce this Bill. Again, they have not even cared to circulate it for eliciting public opinion thereon. I may point out that with the enforcement of this Bill Municipal finances would be crippled. Besides, I am of the opinion that the number of those small town committees or municipalities which owe no debt to the Government is very small. Almost all of them are indebted to Government. They are unable to provide sanitation, good roads and other amenities of life to the public owing to the paucity of funds. The passage of this Bill would give them an opportunity to openly put forward this lame or reasonable excuse that as the Government had considerably reduced their income, they were unable to provide street lights or maintain roads in good repairs, etc. I am, therefore, of the opinion that by passing this legislation Government would be depriving the municipalities of their legitimate right to levy this tax. They might, I am afraid, levy heavier wheel taxes on carts, *thelas*, tongas and other conveyances.

Again, you will observe, Sir, that it is mentioned in the objects and reasons of the Bill that "it proposes to abolish the local taxes on motor vehicles altogether, while leaving municipal bodies with power to tax other types of vehicles." It tantamounts to this that the local bodies can no longer realise the wheel tax on motor lorries but they can levy a tax on bullock carts, tongas and such other types of vehicles. Obviously in order to make good the loss sustained by them on account of this measure, the local bodies would rigorously impose enhanced taxes on *chhakras* and *tumtums*, etc.

Mr. Deputy Speaker : This matter is not contained in the Bill. The honourable member is not relevant.

Khan Sahib Khawaja Ghulam Samad : But I have referred you to the last lines of the objects and reasons of the Bill. It is clearly given there—

Mr. Deputy Speaker : The honourable member is irrelevant.

Khan Sahib Khawaja Ghulam Samad : Very well, Sir, I bow to your ruling. I leave this point. Again, Sir, the Bill has raised the question of urban and rural areas.

Mr. Deputy Speaker : The honourable member is again irrelevant.

Khan Sahib Khawaja Ghulam Samad : I was going to submit that the local bodies would make this loss of wheel tax on motor lorries, a pretext to impose new taxes like the terminal, octroi taxes, etc. The people

[K. S. Kh. Ghulam Samad].

who are already groaning under the heavy burden of municipal taxes would be put to still greater hardship. I, therefore, request the Honourable Minister for Public Works not to rob the municipal committees and small town committees of their income which they derive by levying wheel tax. To my mind it would be much better if clause 10 is omitted altogether. The remaining nine clauses can serve the purpose of Government all right. With these words I oppose the Bill now before the House.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, I am in full agreement with the objections that have been raised and the protest that has been made by the three honourable speakers, who have preceded me, on the third reading of this Bill. To my mind the motive behind this Bill is the greed of the Government. They want to appropriate or, may I say, misappropriate every pie that they can lay hands upon. They are depriving the municipalities of the small income which they used to make from this revenue. The Statement of Objects and Reasons itself says that this tax was imposed under the provisions of the Municipal Law which came down from the old days. As all of us know the Municipal Act was passed in the year 1911 and since then the municipalities were entitled to receive all these motor fees, whether from motor-walas or lorry-walas. I had expected that Government would give some cogent reasons as to why they want to deprive the municipalities of the revenue and appropriate it to themselves, but not a word was said by the Honourable Minister in charge although direct questions were asked, in reply to which he simply said that he will make some sort of subsidy for a period of three years (if I understood him aright) out of the revenue which he will get from this source. But may I put it to him in all seriousness whether the needs of the municipalities will disappear after this period? Will the people residing in these urban areas not stand in need of the amenities of life for which they are clamouring every day? Will they not need good roads, pure water supply, education for boys and girls, etc., etc., and how does the Honourable Minister expect them to carry on without this revenue or subsidy after three years and how can he with any justification deprive them by one stroke of the pen of this revenue or subsidy after the expiry of three years? This is a very pertinent question and I expect a direct answer to it from the Minister in charge when he makes a speech in reply. Is it because the municipalities are subordinate to him and that they cannot open their lips that he is meting out this step-motherly treatment to them? The Honourable Minister need not be reminded that of late he has increased the nominations on the municipalities to full 25 per cent. With all that element of 25 per cent of his own nominees, why should he feel shy to refer this Bill to the municipalities for their opinion? The nominated members depend for their very existence on the Minister in charge of this Bill, and the fact that with all these favourable conditions he still feels shy to refer this matter to the municipalities for obtaining their opinions makes the position doubly awkward for him. Let us not forget that the Minister was candid enough to say that the municipalities will not like to part with their earnings. May I put it to him that is it because they are subordinate to him and cannot assert their rights that he wants to deprive them of their revenue without giving them even an opportunity to make known their opinions on the matter? Well Sir, if

[S. S. Santokh Singh].

It was, as pointed out by my honourable friend Sardar Hari Singh, to remove only the inequalities and anomalies that this legislation was being introduced, I do not see why he should not have issued executive orders to the municipalities and asked them to levy uniform rates; but that is not the object. The real object is that Government wants to have the revenue which the committees were having before. Then why not have the honesty and frankness to say so, that you want money and you cannot do without money because you have nothing else to fall back upon and that you consider this to be the easiest course to appropriate municipal revenues to provincial exchequer, because they cannot make their voice felt, as they are your subordinates? You want to cripple them. You have crippled them already a good deal and you want to continue doing that, so as to reduce them to such a position that they will be forced to impose the house tax or some other taxation which they are in no mood to levy, if left to themselves. May I know if this is what you are aiming at and is it what you have in your heart of hearts? My honourable friend has already fully dwelt on the hardships to which the lorrywalas will be subjected by the passing of this legislation, and I will not traverse the same ground over again. My main objection is that the municipalities should not be deprived of their revenue, to which they are entitled by law. No cogent reasons have been advanced by Government for bringing about this change and it will be purely "zulum" on the part of the Government if the municipalities were deprived of their just rights. With these remarks I oppose the motion.

Rao Pohop Singh (East Punjab Land-holders) (*Urdu*): Sir, with your permission I would like to say a few words with regard to the Bill now before the House. It has been pointed out by my honourable friends opposite that by enacting this measure the Government is robbing the municipal committees of their income which they realize by imposing wheel tax. I am really surprised to find that even on the floor of the House such flimsy and absurd arguments are being advanced against the enactment of such a measure. It is a matter of common knowledge that lorrywalas who ply their vehicles on hire collect travellers from place to place and take them to places where they want to go. But may I know on whose roads they ply their vehicles? Obviously they either drive their lorries on Government or district board roads. If at all they come to the cities they come only up to public stands where they halt their vehicles for gathering other passengers. After collecting passengers they again go out of the limits of municipal committees. From this it is quite clear that they bring people from outside to the cities and take them away when they have bought their requirements. Thus the lorrywalas benefit the cities indirectly. If they use the roads of municipalities to some extent they amply pay them back. To my mind the municipal committees have no right to levy any wheel tax and therefore it is not correct to say that the municipal committees are being robbed of their income. To-day great hue and cry is being raised on these small and insignificant matters but I may tell my honourable friends that that day is not far off when they will cry all the more. Uptil now the poor zamindars have been paying fourteen annas out of a rupee by way of taxes, but I assure my honourable friends opposite.

[Rao Pohop Singh].

that such state of affairs cannot remain for long. Now the poor people would be relieved of their burden of taxes and if the urbanites want any facilities they will have to pay for them. As a matter of fact, Government have made it a principle that those who get facilities from the Government should be compelled to pay for them. Not only this, but it is the earnest desire of Government that richer sections of the people should be taxed in order to relieve the burden of the poor.

Besides, it has been pointed out that by debarring the municipal committees from levying wheel tax Government wants to compel them to have recourse to other taxes, i.e., house-tax and similar other taxes. It is a curious thing that my honourable friends want to enjoy amenities of a modern city but they do not want to pay anything for it. Let them remember that if they want to enjoy such amenities they should also contribute their share to it. I may tell them that in order to improve the sanitary conditions of towns recourse will be had to such taxes. It cannot be that amenities should be provided to town people but taxes should be levied on the poor agriculturists. Everybody will have to bear his own cross. It is a negation of democratic government that facilities should be provided to some while others should be compelled to pay for them. I for one cannot understand why my honourable friends are frightened by the word "tax". As soon as they hear that any tax is about to be imposed, they at once begin to oppose it. I personally see no reason in this attitude of theirs. I may also inform them that, not to speak of this tax, Government want to levy six crores of rupees as tax on the urban people in order to spend it for the betterment of the province as a whole. In my opinion, the municipal committees have no right to levy wheel tax. The Government by debarring them from this tax are not doing any illegal thing. On the other hand, it is the right of the Government to levy it. With these words I support the Bill now before the House.

Shrimati Raghubir Kaur (Amritsar, Sikh, Women) (*Urdu*): Sir, I rise to oppose the Bill now before the House. This Bill affects that section of society which is called the labouring class, viz., the motor lorry drivers. As my honourable friend Khawaja Ghulam Samad has stated these poor people mortgage their lands or sell their houses in order to buy a motor lorry for enabling themselves to make a living. If these people, who cannot save as much as ten rupees in a month, are punished merely for not displaying their token with a fine ranging from thirty to one hundred rupees and if such a heavy burden is going to be placed upon their shoulders, it would simply mean that the Government are trying to deprive these people of their only means of earning a livelihood for themselves and their children and are forcing them to starve.

Let me warn the honourable members sitting on the Treasury benches that if they go on contributing towards an increase in unemployment in this manner, the workers are bound to rise and destroy Imperialism. We on this side of the House earnestly hope that the Honourable Minister of Public Works will go on introducing such measures, so that the people may out of disappointment and despair overthrow the present Government. What do the honourable members opposite, who are big landholders and are rolling in wealth, know of poverty or of the poor?

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

Shrimati Raghbir Kaur : Sir, I am speaking to the motion. I was just making a comparison between wealth and poverty in order to show that it was very easy for the Honourable Minister of Public Works or other big landlords to pay such heavy fines or taxes but the Government could not expect the poorer classes, such as motor drivers, shoe makers, bhatiaras and water-carriers to pay such heavy sums.

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

Shrimati Raghbir Kaur : Sir, I was submitting that such heavy fines should not be imposed upon these poor drivers for small technical offences. These poor people, who have not enough to eat and who have also to grease the palms of the police on every step daily undergo extreme hardship to earn their living.

Mr. Deputy Speaker : I would request the honourable lady member to be relevant.

Shrimati Raghbir Kaur : Sir, I am giving the reasons why it is unjust to impose such a heavy fine for so minor an offence. I am trying to acquaint the House with the difficulties and risks that these poor people have to run before they are able to earn enough to keep themselves and their families from dying of starvation. In the face of such abject poverty a fine of even ten rupees would be an atrocity pure and simple.

Mr. Deputy Speaker : I would request the honourable lady member once again that she should speak to the motion.

Shrimati Raghbir Kaur : With these words, Sir, I oppose the Bill now under consideration.

Minister for Public Works : I move—

That the question be now put.

Diwan Chaman Lall : This is the third reading of the Bill. There can be no question of closure at this stage.

Sardar Ajit Singh (South-West Punjab, Sikh, Rural) (*Punjabi*) : Sir, I am very thankful to you for affording me an opportunity to express my views on this measure. I would not take much of the time of the House and would try to be as brief as possible.

Mr. Deputy Speaker, I rise to oppose this Bill with all the emphasis at my command. Among the various reasons given for introducing this measure, one goes to say that because in the former Motor Vehicles Act there was no provision for requiring the display of the token prominently, it has been considered necessary to bring it in this amending Bill. So far we do not find fault with the intention of this measure, but when for neglecting to display this token heavy fines are being suggested we cannot but condemn this highhandedness of the Government with the poor lorry-drivers.

If my honourable friend the Minister of Public Works had only cared to look up the Indian Motor Vehicles Act he would have found that although the Central Assembly has imposed heavy fines, yet it has not deemed

it necessary to penalise ordinary technical offences. There it is laid down that in case of a driver's failure to produce a licence or a permit when asked to do so, he will not be liable to any fine if he produces the same within a week. It is further stated therein that only in case of a subsequent offence of the same nature will he be liable to be punished with a fine. It will be observed that according to the said Act, failure to produce a licence or a permit is an offence, but even there the absence of a token, which can easily be washed away by rain or can be removed while the car is being washed, has not been an offence punishable with such heavy fines as are envisaged in this Bill.

The second objectionable thing in this measure is that the drivers have not been given any right of appeal.

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

Diwan Chaman Lall : My honourable friend Sardar Ajit Singh is making a point that there is no provision in this Bill regarding an appeal. May I ask in what particular manner my honourable friend is irrelevant in making that statement? He is objecting to this measure on the ground that there is no appeal provided for. How can he be irrelevant?

Mr. Deputy Speaker : In the third reading, debate is to be limited and the speech has to be confined to the matter contained in the Bill. Therefore the honourable member is not relevant.

Diwan Chaman Lall : May I point out that there is no limit to the speech regarding the third reading. This is the third reading of the measure which gives you unlimited right to debate the measure in all its aspects. I have never heard that the third reading is limited. In Parliament it is a different matter. We have had this matter discussed on the floor of this House before. You must realise that the procedure which is adopted in the first, second and the third reading here is not similar to the procedure adopted in Parliament. Therefore, it is no good picking up May's Parliamentary Practice. I have also got it here. The third reading stage in all legislatures in India is the stage at which unlimited debate takes place. This is the stage when all the amendments have been disposed of and when members have the unlimited right of speaking.

3 p. m.

Mr. Deputy Speaker : For the enlightenment of the honourable member I would refer him to page 421 of May's Parliamentary Practice :—

The debate on the third reading is more restricted than it is on the second reading of a bill and is limited to the matters contained in the Bill.

Diwan Chaman Lall : It is therefore that I am drawing your attention to the fact that it has no relevancy here. What is called 'third reading' there is the second reading here. You must read the provisions relating to the passage of Bills in Parliament. You will find there that the House would resolve itself into a committee and go into that stage. That is the stage which has already been passed so far as we are concerned. When the third reading is adopted here, that reading is practically the second reading in the House of Commons. The third reading is that stage when all amendments have been disposed of and it is the only stage at which honourable members can express their full opinion regarding the measure.

[Diwan Chaman Lal:]

because until the amendments have been disposed of, not in committee but by the whole House here, we are not in possession of the full view of the Bill and at that stage in every legislature in India, including the central legislature—as also has been the practice here in this legislature—at that stage, we are entitled to discuss the entire Bill from top to bottom and express our opinions freely in regard to the measure. There can be no restriction such as is placed in the House of Commons which is in reference to another stage and that stage is not this stage. This stage is the unlimited stage. I would request you, therefore, to remember that the procedure in the House of Commons is entirely different. The first reading and the second reading and the third reading there are not the same as the first reading and the second reading and the third reading here. We are at that stage which is reached in the House of Commons when an unlimited debate takes place and therefore you must permit me to say in regard to this matter—I know I am taking up the time of the House but this is a very important matter that has been raised and a wrong ruling given at this stage would obviously... (*An honourable member: Order.*) Who is my honourable friend to interrupt me in regard to this matter? I repeat that a wrong ruling given at this stage would be very injurious to the interests of this House. Therefore, I beg of you in a matter like this to leave the decision on this point to the Speaker and allow the debate to continue as debates on the third reading have hitherto continued on the floor of this House from the very inception of this chamber. I do not recall a single occasion when a third reading debate has been confined or limited by order of the Deputy Speaker or the Speaker. I do not remember a single instance from the inception of this chamber when the third reading stage has not been an unlimited stage. Therefore, I submit that a wrong ruling or a hasty ruling given at this stage would injuriously affect the interests of every honourable member, not only the interests of every honourable member but the interests of the public which is going to be affected by this legislation. I submit, therefore, that you will allow my honourable friend to continue, provided he is relevant as regards the provisions of this measure.

Mr. Deputy Speaker : Exactly. The ruling is perfectly sound because I simply ruled that so far as the matter in the Bill is concerned, that will be discussed, and not matter extraneous to it.

Sardar Ajit Singh : Now, Sir, supposing it is raining and you propose to reach Amritsar in your car. In the way the heavy torrent of rain removes your token and it is lost to you. The police apprehends you and produces you before the court which fines you for not displaying the requisite token on your car. Now it goes without saying that you had obtained it after paying the required tax and it was only by chance that you lost it. But since you are denied the right of appeal you cannot manage to absolve yourself of this so-called guilt of yours. I am sure the Honourable Minister has inadvertently omitted to incorporate this provision in the Bill which is otherwise highly essential.

Again, I had given notice of an amendment for compounding such offences. But I am sorry to say that I was denied the necessary leave to move that amendment. Nowadays it is open to the parties concerned to

effect a compromise and thus end the most expensive litigation. In this way the accused is made to pay a certain amount of money to the aggrieved, with the result that the former is saved from the slur of conviction by the court. It is a pity that the present Bill is miserably wanting in such a healthy provision for compounding offences thereunder.

Furthermore, Sir, we are told that the present measure deprives the local bodies of their power of imposing the wheel tax on the motor vehicles. But it is not a matter of great satisfaction if the Bill abrogates this levy so far as the motors are concerned, because only a few municipalities have been enjoying this power at present in the province. Others had no power to impose it. Thus so far as the latter type of the municipalities are concerned this provision is absolutely meaningless. Probably the Government intends to gratify certain lorry owners and motor drivers, but they should be aware of the fact that this Government is wont to give with one hand and take with the other. Its chief characteristic is that it daily enacts one fiscal measure or the other in order to replete its exchequer. I am reminded of a well known Punjabi saying :

بہنڈا بہ ڈارٹا کٹا کو بہار

اک مٹھی چک لے دوھی تیار

In fact the motor-wallas should not be misled by a false sense of pleasure on account of the present Bill. On the other hand, they should get themselves prepared to welcome a much heavier tax than the one which has been abrogated under the Bill. With these words, Sir, I strongly oppose this measure.

An Honourable member : Question may now be put.

Diwan Chaman Lall (East Punjab, Non-Union, Labour) : May I, before I deal with the measure, make an appeal to you, Mr. Deputy Speaker, that there are a large number of members who are desirous of participating in this debate and as it is a taxation measure, you may be pleased to permit the debate to take its natural course and not be throttled by means of a closure motion? I have not the slightest doubt that when I appeal to you, that appeal will also be heard by my honourable friends opposite. Since a measure like this affects the revenues of the small towns and of the municipalities and since a measure of this nature affects also the revenues of the province, it is necessary that every opinion that desires to express itself should be expressed on the measure and my honourable friend who is in charge of this measure should have the benefit of the opinions from this side of the House.

Now, Mr. Deputy Speaker, the proposition that my honourable friend laid before us is so curious that I have been actually at my wit's end to try and discover where my honourable friend, the Minister of Public Works, actually stands in reference to this measure. The amendments have been dealt with. The measure is now at the third reading stage, but not one word has been heard from my honourable friend either in justification or in repudiation of the statements made by him at the very early stage. Now, I ask my honourable friend, does he consider this measure to be a taxation measure or not a taxation measure? My honourable friend shakes his head. I take it therefore — I do not want to do my honourable friend any injustice in regard to this matter and my honourable friend will

[Diwan Chaman Lal].

bear me out when I tell him — that the considered opinion of my honourable friend in regard to this measure has been before the House, namely that it is not a taxation measure. I take it that he sticks to that opinion. I draw my honourable friend's attention to what he said. He says it is not a taxation measure, but the words he used were different when he impressed in his eloquent manner — you know, Mr. Deputy Speaker, my honourable friend can be very eloquent on occasions, he impressed upon the House in his eloquent manner the necessity of passing this measure before the 31st of March — and I see his very able Parliamentary Secretary shaking his head in assent meaning “quite right, he did say so” — he said in appealing to the House that the Bill ought to be passed before the 31st of March, otherwise he said we will lose revenues. Now I ask my honourable friend is his first statement correct that it is not a taxation measure or is his second statement correct that if we did not pass this measure we will lose revenue? My honourable friend as a matter of fact should enlighten this House, before this House can come to a final decision whether to vote in the same lobby with him or to vote in the lobby against him, he must come to a decision as to what the actual effect of this measure is going to be. He himself is in very grave doubt about the effect of this measure, that is why Mr. Deputy Speaker, I appeal to my honourable friend that he should have utilized an earlier opportunity to inform the House as to where he stands. If my honourable friend disputes the proposition that I am laying before this House, let me lay before him the series of contradictory statements that he has made and after listening to these contradictory statements that came out of his mouth at the time when he brought this measure before this House after listening to these statements then let him make up his mind and I will give way to him so that he can inform us as to where he and his Government and his party stand in reference to this measure. Now the first statement that my honourable friend made was this “We are not contemplating any increase in taxation.” Now let us have a look at the measure. What will be the effect of the passing of this measure? Will it divert certain taxation which is to-day being levied, the effect of that taxation from the municipalities and the small towns on to the provincial revenues. Is that correct or not? And what is that but an increase in the revenues, increase by taxation? A certain tax which is meant for the benefit of the municipality by this legislation becomes a dead letter *qua* the municipality, the benefit of all that tax is taken away by my honourable friend for the purposes of provincial revenues. Therefore is it taxation or is it not taxation? Is the position that I am laying before my honourable friend a correct position or is it not a correct position? The second statement that my honourable friend made was this. It is a most amazingly interesting subject which has become interesting because of my honourable friend. He said if taxation is to be increased a separate measure would be brought forward. Now what is this but an increase in taxation? Or is it just a mere diversion of taxation used for the benefit of provincial revenues? Then my honourable friend said: “What we intend to do is to secure uniformity of control and uniformity in taxation; there is no motive beyond that”. But once you secure uniformity of

taxation, as my honourable friend is seeking to do, the motive behind that becomes obvious. It is not a question of there being no motive. The motive behind it is this. Once you secure uniformity in this fashion, then your own revenues will benefit to a large extent. At the present moment according to the 1935-36 figures, 1,40,000 is involved by the passing of this measure, provincial revenues are going to benefit to the extent of Rs. 74-75 thousand. Is that correct? If it is correct it becomes a taxation measure. You do not directly impose an extra tax but a tax the proceeds of which are utilized for the benefit of a particular class, by the provisions of this measure are going to be diverted for the benefit of my honourable friend's revenues. Then my honourable friend said "our revenues will not benefit, but for some time they will be losers to the extent of Rs. 75,000." I am merely quoting what my honourable friend has been saying in a mood of enthusiasm which created a great deal of self-contradiction. He said our revenues will not benefit, but for some time they will be losers to the extent of Rs. 75,000. Where does my honourable friend get that from? Where does he get it from (1) that our revenues will not benefit (2) that we are actually going to lose money? If this statement is correct, what of the earlier statement made by my honourable friend that the Bill should be passed otherwise we "will lose revenues"? I have listened, Mr. Speaker, during my fairly long life, I have listened to a very many debates, very many pleaders of Bills in this legislature as well as in the central legislature, but I have not listened to a major Bill being introduced by an honourable Minister in charge who within the course of a very short speech lasting probably 15 minutes has made so many contradictory statements as my honourable friend has been guilty of in connection with this measure.

Sardar Sohan Singh Josh : He is a novice.

Diwan Chaman Lall : And here we are at this third reading stage not knowing what is in the mind of my honourable friend definitely correctly and yet by the force of his majority he has pushed this measure on to the third reading stage and is asking us now to pass it into a law. Is it correct, or is it not correct that my honourable friend's revenues will not benefit? Or is the statement correct that my honourable friend unless we give him this measure will lose in revenues? I think my honourable friend might have consulted the experts dealing with this measure and they might at least have prepared a speech for him which might deal with the points in a more coherent, in a more logical, in a more understandable and a less contradictory manner than has been the case in regard to this measure. Now since these are the contradictions, I cannot ask my party to support this measure on the grounds given by my honourable friend because we find that we do not know what the grounds are. If I turn from my honourable friend to the statement of objects and reasons in regard to this measure, there too I find the same confusion of thought and the same disregard of the primary objects of this measure and an attempt made, I will not use the expression — to mislead the House, but an attempt made not to clarify the situation as far as this House is concerned. You will notice, Mr. Deputy Speaker, that in the statement of objects and reasons the very first sentence begins—

The primary object of this Bill is to enable the system to be continued in force under which the owner of a motor vehicle is required to display a coupon in token of the fact that he has paid the tax due from him.

[D. Chaman Lal.]

This is the primary object. But I want you very carefully to remember when you read this particular sentence that the primary object is not this object at all. It is something very different. It is only an ancillary object and ancillary for this reason that according to my honourable friend in reference to the new measure which has been passed by the Central Legislature and which will come into force shortly, in reference to that measure there is no power given to my honourable friend to make a rule in respect of the token.

Therefore he wants that ancillary power to be put into his hands so that he can compel every motor driver or proprietor of a motor vehicle to display a token failing which he will be liable to certain penalties. But the main object is not that at all. His main object is contained in the second portion of the statement of objects and reasons. It says—

Secondly, the Bill abrogates the local 'wheel taxes' with which motor vehicles are at present burdened in certain towns of the province in addition to Central and Provincial taxation. These taxes are imposed under provisions of the municipal law which come down from pre-motor days.

A very laudable object on the part of my honourable friend to reduce this extra burden of local taxation on motor car proprietors or persons who ply motor cars for hire! But is that the real object of the measure? No. What the Honourable Minister has done is this. He will stop the municipalities from collecting that revenue for themselves but he will take that revenue for himself. The real object is not to abrogate this dual system of taxation and thereby relieve the burden but to transfer the incidence of benefit from the municipalities to the province. The main object is to increase the provincial revenue. The Honourable Minister will remember that there are certain provisions in the Municipalities Act and in the Small Towns Act which become operative *suo motu* or by action of the provincial Government. Section 188 of the Municipal Act lays down that a municipality may of its own accord or at the suggestion of the provincial Government levy a certain tax or fee.

A Committee may, and shall if so required by the provincial Government by by-law, render licences necessary for the proprietors or drivers of vehicles, or animals kept or plying for hire within the limits of the municipality, and fix the fees payable for such licences and the conditions on which they are to be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyres and for a minimum diameter of the wheels.

Now if the municipality fails to carry out this provision or does not desire to carry it out, and it becomes necessary for the purpose of the control of motor vehicles in the municipality, the provincial Government may order the municipality to put into effect this law. Therefore the provincial Government has been a party to this type of taxation. The very anomaly which they wish to abolish is of their own creation. They did it with the definite object of (1) replenishing the resources of the municipalities and (2) permitting the municipal committees to check and control certain types of vehicles, the breadth of the wheels, etc. But as far as the small towns are concerned, the proposition has been wider still. Small towns have not been allowed the necessary authority to impose this taxation themselves.

They can do so only by virtue of an order placed upon them by the provincial Government. Section 21 of the Small Towns Act says—

Subject to any rules which the provincial Government may make in this behalf, and in accordance with the other provisions of this Act, the committee may impose any one or more of the following taxes :

- (c) a tax payable by the owner on all or any vehicles, animals used for riding, draught or burden, or dogs when such vehicles or animals or dogs are kept within the limits of the small town.

So, it is the rule-making power of the provincial Government which makes it operative when a small town committee imposes this tax. Again, I submit that it is the provincial Government that is responsible for this dual type of taxation. Of course it had sufficient reasons for imposing this tax as I have said already namely, to replenish the resources of the small towns and municipalities and secondly to check and control the traffic within their respective areas.

Having said this much as to the origin and the basis of this taxation and explained the reasons which impelled my honourable friend to get legislation of this kind passed, I shall now proceed to discuss the reasons which have impelled my honourable friend now to bring in this particular measure. The reason why he has brought forward this measure and why I am opposed to it is because he has anticipated the report of the Resources and Retrenchment Committee. It is not that the idea suddenly dawned on the mind of the Honourable Minister to bring forward this measure for the benefit of the province. This measure has its origin not only in the debates that took place in the old Legislative Council, but it has its origin directly in the report of the Resources and Retrenchment Committee. At page 204 after making a comparison of a few provinces in which this taxation has been levied, that is, the Punjab, Bengal, Bombay, Madras, the United Provinces and the Central Provinces, the Report says—

It will readily appear from the above comparison that the present level of motor vehicles taxation in the Punjab is far the lowest of all provinces which have passed Provincial Motor Vehicles Taxation Acts. Even the original Punjab rates under the Act of 1924 were very moderate compared to most other provinces. Before proposing any change in the present scale of rates we wish to record our conviction that it would be desirable to do away with the present multiple authority to tax motor vehicles under which varying local taxes are being levied in addition to the provincial tax. The existing local taxes should be abolished, and for the future the scope of the taxing power possessed by Municipalities should be limited to vehicles other than motor vehicles, the right to tax motor vehicles being reserved for the provincial Government.

My honourable friend, the Minister, is only carrying out the orders of the Resources and Retrenchment Committee in bringing forward this measure before the House. The House has not yet had any opportunity to discuss the Report. It should have discussed the report and it should have recorded its verdict on the recommendations of the committee, and after that verdict had been recorded the Minister could have had the liberty to implement any suggestions made by the Resources and Retrenchment committee. But without bringing that committee's recommendations before this House and taking its opinion and its verdict in regard to the feasibility, practicability or otherwise of the recommendations, my honourable friend wants to short-circuit the proposition and decide that whatever recommendations in this behalf that were made by the Resources and Retrenchment Committee should be the subject of legislation by him through

[D. Chaman Lal.]

this particular measure. My honourable friend Mian Abdul Aziz, with the subtle mind that he possesses, reminds me of what I have forgotten, and I am very grateful to him, that my honourable friend over there is wanting to legislate in parts. The Resources and Retrenchment Committee go on to say that there would have been loss of revenue to the local bodies to the extent of one lakh and forty thousand. If it is going to be a loss to local bodies, who is going to gain? You, Mr. Deputy Speaker, as Deputy Speaker of the House, are not going to gain. I, sitting on these benches, am not going to gain. No member in this House is going to gain. There is only one entity, one organisation, one body which will be the gainer as a result of this legislation and that is provincial revenues. Therefore, it is incorrect for my honourable friend to say that provincial revenues will not gain as a result of this measure. We pressed the point that local bodies which have levied tax on motor vehicles, other than a licence fee, prior to 1st January, 1940, should be compensated to the full extent of loss of revenue sustained by them on account of proposed limitation of the taxing power. This was a part of the recommendations made by the Resources and Retrenchment Committee and that is why my honourable friend Mian Abdul Aziz reminded me that this is all being done in parts. What is my honourable friend's suggestion with regard to it? Has he adopted that policy? They said, compensate the local bodies which are going to suffer this loss. What is my honourable friend's proposition about this? Is he going to compensate them? If there is going to be compensation for a period of some years, then may I ask my honourable friend, what is the advantage of bringing in this particular measure at this stage? Suppose my honourable friend is going to take a certain amount of money from the municipal committee, put it into the public revenue, take it out again and hand it over to the municipal committee. Then what is the hurry for a measure of this description? We have other legislation of an important nature which is pending. I remember we have the Trade Employees Bill which is pending and which my honourable friend Chaudhri Sir Chhotu Ram stated he would bring forward in November last, but we have not yet seen that measure. Those measures should have been brought forward and this measure should have waited till the Resources and Retrenchment Committee's Report had been discussed by this House. I do not desire to take more time of the House than is absolutely essential to get a clear view of the proposition that is being placed before the House and I do hope that what I have said will lead my honourable friend to be a little more clear in his thought and a little more precise in his expression as to what he actually intends to do or proposes in reference to this particular measure. He should be fair to this House and inform this House that the result of this measure will be such and such and again to be fair to this House and tell us frankly whether in pursuance of the recommendation of the Resources and Retrenchment Committee it is his intention, after he has got the permission of this House to this measure, to bring forward another measure enhancing the rates which are levied as far as motor-vehicles are concerned. That is the sole object with which that Committee reported that this dual authority should be done away with and I want to know whether in the back of his mind or the plans which the Government have in reference to this measure this is also one of the things which they have

thought of and decided upon, for it is necessary for this House, before it gives its consent, to be in full possession of the facts. And may I finally say one word, Mr. Deputy Speaker, with regard to the statement of objects and reasons that is attached to this Bill; that my honourable friends may be well advised to give this House the benefit of a full, free and frank statement of objects and reasons not hiding anything from this House because as my honourable friend will know, this House is perfectly well aware, wide awake regarding all the circumstances that attach to prospective legislation that is moved on the floor of this House. Therefore, my honourable friends will be well advised to give us full, free and frank statements regarding the objects that they have in propounding certain legislation before the House. I consider this measure to be a measure of taxation, I consider this measure to be unnecessary because it will burden the municipal committees and the small town committees unnecessarily. It will withdraw from them certain resources which they are capable of utilising to-day, and, therefore, on these grounds I oppose the third reading stage of this measure. (*Cheers*) (*Voices*: Question be now put).

Diwan Chaman Lall: May I make a request? There are other members on this side of the House who would like to say a few words and the indulgence of the House should be shown to them to say a few words because they represent municipal committees and small town committees. They should be allowed to do so.

Mr. Deputy Speaker: If there is anything new to be said, then I will allow an opportunity but there should be no repetition.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) (*Punjabi*): Mr Deputy Speaker, I rise to oppose the third reading of the Punjab Motor Vehicles Taxation (Amendment) Bill. The real object of this Bill is not to penalise certain offences but to add to the coffers of the province, as has been made clear by my honourable friend Diwan Chaman Lall. Now I come to the other side of the question. It will be imperative under this measure for the owners of motor vehicles to obtain a coupon after paying the tax and to display it on the vehicle in the prescribed manner. This is absolutely unreasonable. This will set a bad example to the municipal committees and the district boards. They will also amend their rules accordingly and require the display of coupons on the vehicles as proof of having paid the tax. It will impose the twofold duty of paying the tax as well as displaying the token thereof. The wheel tax is also levied in the municipal committees and the district boards. They will amend their rules and require the owners of carts to obtain coupons after paying the tax and display them on the vehicles. In that case the poor zamindars will have to suffer. It is they who generally bring their carts and *gaddas* to the towns, and if the principle of this Bill is adopted by the local bodies, the illiterate villagers shall be required to display the coupons on their *gaddas* in the prescribed manner.

As my honourable friend Sardar Ajit Singh has stated the poor lorry-walas would be put to great hardships on flimsy grounds. For instance, a fine would be inflicted upon a lorry-wala if it was found that the coupon, indicating the payment of tax, was pasted on the motor vehicles in an inverted manner. As a matter of fact, they are already being harassed and

[S. Kapoor Singh.]

fined for stopping their lorries and dropping passengers on the way. But the Government have propounded a new principle. They want to penalise the poor lorry-walas who may have paid their taxes but for one reason or the other or by sheer mistake fail to display the coupon on their vehicles.

An honourable member : But this system of displaying coupons is already in vogue.

Sardar Kapoor Singh : It is all the more reprehensible if that is so. Does my honourable friend mean to say that if the previous Government was guilty of perpetrating a grievous wrong on the people, this Government — the Government of the people — should also continue to do the same thing? Perhaps my honourable friend over there is not aware of the miserable plight of the poor lorry-walas. It is a pity that Government have deemed it fit not to exempt the lorry-walas from the onus of displaying a coupon in token of the payment of taxes due from them. I have serious apprehensions that to-morrow the Government would bring forward another Bill requiring all the zamindars who pay land revenue to display a sort of badge or some such thing to indicate the fact that they have paid the government dues. How preposterous does it look that a person who has already paid his dues should also be required to indicate this fact by carrying a coupon on his person or his vehicle. I would appeal to the honourable members not to vest this power in the Government. I am, therefore, of the opinion that Government would be well-advised to do away with this obnoxious system. It is quite unreasonable, rather untenable on the very face of it. With these words, I strongly oppose the Bill now before the House.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Minister of Public Works (The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana) : Sir, I am afraid a simple measure has been made a subject of such a lengthy criticism. There seems to be a considerable confusion and I will try my best to explain the Government point of view. There is at present the coupon system existing. It is based on rule 24 of the Punjab Motor Vehicles Rules, 1931, framed under the Indian Motor Vehicles Act, 1914. The Indian Act has since been amended and section 184 gives lease to the existing provincial Rules only up till March, 1940. So, that is one part of this Bill. The central Act does not give power to provincial Governments to make a rule of this kind. So, it is now intended to amend the provincial Taxation Act so that this practice of showing coupons on cars may continue. I would here like to remark that it was attempted to prove that hardship is involved in the showing of coupons. Nothing of the sort. If a man pays a tax it is up to him to prove to the world that he has paid it and if there is any leakage it must at once be traced. The payment of land revenue cannot be compared with motor taxation as the last speaker tried to do. Land is immovable while a car can go from place to place and from province to province. If there is no showing of coupons, there will be considerable leakage of revenue. It was said, why not have coupons for payment of land revenue? (*Interruption*). I say that land revenue can always be realised because land is

stationary, but showing of coupons on cars is necessary because they can go from place to place and from province to province. Unless it is done we cannot have a proper check.

The second part of the Bill is to abrogate the power of municipal and small town committees to tax motor vehicles and to make available for provincial revenues all taxable capacity of the motor vehicle. Here, Sir I would like to say that a confusion has come about that I have tried to make contradictory statements. There is no contradiction at all. There is one part where we are amending more than one Act in this particular Bill. In the first part of it, if the coupon system is not legalised after the end of March, 1940, there will be leakage and there will be consequent loss of revenues. In the other case we are not taxing, but we are merely doing away with the wheel tax and thus we are going to incur a loss to the provincial revenues. That I will presently explain how. At present there are more than 100 municipalities and all of them do not levy any tax on motor vehicles at all. There are only 23 local bodies in the province that are taxing motor vehicles to the tune of Rs. 1,58,000. As I said the other day, according to the figures available with me, Lahore is getting Rs. 67,571, Amritsar Rs. 37,049 and the remaining 21 local bodies get something like Rs. 53,380. It is not a question of taxing anybody. We are doing away with the wheel tax, and therefore, it is a relief to the motor drivers.

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

I will explain how. It was said that the provincial tax may be increased. Well, Sir, the provincial tax is levied, as you know, under separate Acts. It may be increased or it may not be increased, but it is entirely a different issue and will have to be decided on its own merits. In the present case we are doing away with this wheel tax and thereby conferring positive and clear relief on the lorry drivers. For the sake of argument, if the tax is to be increased, the wheel tax is to be something like plus, and over and above the provincial tax. So, when this provincial tax is eliminated the incidence of taxation will be minus and it will be a positive relief to the lorry drivers. Now I will explain how the provincial revenues are going to lose. At present, according to the latest figures, Rs. 1,58,000 are realised by the local bodies. Under subsection (3) of section 19 of the Punjab Motor Vehicles Taxation Act, we have to remit half the tax on a vehicle if the owner of that vehicle can prove that he has paid the wheel tax to some local body for the same period. So, as we are paying half of this back, actually the realisation by the change over will be only Rs. 1,58,000. Therefore, for a time that grant will continue and the province will be losing from the provincial revenues something like Rs. 75,000 a year, as I said the other day at the introduction of this Bill.

Diwan Chaman Lall : We could not follow the Honourable Minister. At the present moment what happens is this that half the amount is remitted back to the local bodies. Is it something new? Will something new happen?

Minister of Public Works : I will explain. What will happen is this. At the present moment, we have, according to the press communiqué, promised to pay back the average amount for the last 3 years to the local

[Minister of Public Works.]

bodies and, therefore, we will also be paying back the whole of Rs. 1,58,000 to local bodies. The amount which the province will be paying back to local bodies annually is Rs. 75,000 and therefore, the province would be losing to the advantage of local bodies.

Diwan Chaman Lall : When was that *communiqué* issued? Is that in pursuance of the recommendations of the Retrenchment and Resources Committee that the half amount should be remitted back to local bodies?

Minister of Public Works : The *communiqué* was issued along with the publication of this Bill itself. The honourable member has at length brought in the question of the recommendations of the Retrenchment and Resources Committee.

Well, Sir, it was a very old proposal of the Government which had been going on independently and which anyhow seems to have found a place in the report of the Resources and Retrenchment Committee. This idea was already prevalent and the Resources and Retrenchment Committee has got nothing to do with the proposal which originally started with the last legislature. I think this makes the position clear to the honourable member. Also I think it is clear why the honourable member thought that I was making a contradiction in my speech. I am sure he who is eloquent can prove the case without facts. I have stated the facts and he will bear with me that there was no contradiction involved in my speech.

The measure has been criticised that there is harshness involved. I would not like to go into individual criticism because it was more or less repetition of what was said on the various clauses of the Bill and which I have amply replied to during the consideration of the Bill clause by clause. I will first take up the question of harshness of the measure as regards fines. Fines are at present being imposed under the existing Motor Vehicles Act which is in excess as I pointed out in the course of the reply to the amendment which is more than what is provided in the Bill. As a matter of fact it has been toned down in the interest of the motorists. The fines provided are identical with the fines laid down in the Act passed recently by the Central Assembly. I might say with the support of the Congress element in that body. If we pass this measure we are in good company of the Government of India.

I would now come to the criticism made by the honourable member for Ambala. I for one must confess that I was not able to follow what he said but as far as his painting of the plight and the miserable condition of the lorry-walas is concerned, I can assure him that they are gaining considerably whatever the incidence of taxation and irrespective of the fact that the wheel tax will be done away with and they will not have dual taxation or dual control. Then the honourable member from Amritsar was pleased to say that we are crippling the local bodies and asked, why should this measure be passed? He forgot conveniently that instead of the provincial tax of Rs. 50, local bodies are levying something like Rs. 96 that is double that amount. And what are the facilities provided? The only facility is, as the honourable member from Gurgaon said, that the car comes and stops for a few minutes at the *addah*. The roads used are either provincial

or district board roads and the local body gets this amount of money. As I said when introducing the Bill it is a historical accident that the local bodies got the power of taxation on motor vehicles. They have no right and as such it is about time that the local bodies realise that they have to live on their own resources and not on indirect taxation on motor vehicles and similar other articles which right is not justly their own. They should take courage and tax the people, of course, not unreasonably but to a justifiable extent, and should cease to live on indirect sources of taxation.

Then I would say just a word in reply to the honourable lady member. She said that I did not know the plight of the lorry-walas and that if socialism came along when I will have to drive a lorry, I will realise it. I can assure her that I have never been a lorry-wala but it is my concern and duty to look after the interests of the lorry-walas and I am trying to do my level best in that connection. I was a cavalryman and if lands are appropriated, I might be living that profession and then I might realise it better. I may assure her that I may not take to that type of profession, though I may look after the interests of the lorry-walas.

Diwan Chaman Lall, who I find has left his seat, said that I was forestalling the Resources and Retrenchment Committee recommendations.

Sardar Hari Singh : You are following the recommendations and forcing the discussion on the House.

Minister : No, I was going to say that the Resources and Retrenchment Committee has put forward many recommendations which will be considered in due course on the respective merits of the recommendations, but as far as this particular provision of the Bill is concerned, we are remitting taxation in one case and stopping leakage in the other, and it is here that the honourable member seems to be confused.

Mian Abdul Aziz : I might explain what he wanted to know. He said that before that report is discussed on the floor of the House, you are taking a bit from it and legislating over it. Why should you do it until the report has been discussed?

Minister : I would have realised the force of the argument provided this bit had been taken from the report of the Resources and Retrenchment Committee. As I have said it is an old proposal and the Resources and Retrenchment Committee were finding material from several places. They can put down old proposals in the report. I am not doing anything against the report or suggesting that it should be considered all at once by taking up an independent proposal which has nothing to do with the report. That report will be considered in due course.

I would say that this is an innocent measure and should be passed at once. As I was submitting, it stops leakage in one case and remits taxation in the other. We shall remit to the local bodies on the basis of the last three years and thereafter the position will be reviewed and then another scale laid down as has been explained in the Government *communiqué*. No valid objection has been put forward. Some quotations were given and I would quote in my favour from the Resources and Retrenchment Committee report where it is said that motor taxation in other provinces is greater than in the Punjab. All the credit to the Punjab

[Minister of Public Works.]

for being so liberal to the development of motor industry! If we are remitting another tax, that is the wheel tax, I think we should get credit and not criticism. Certain honourable members in view of what is coming in the near future might be trying to placate the lorry-walas, but I think the lorry-walas will know which way their interest lies. With these words, I commend this motion to the House and ask that it be passed.

Lala Bhim Sen Sachar : May I know if the Honourable Minister is in a position to state on the floor of this House that there is no likelihood of an increase in the taxes which are now being enforced on motor vehicles?

Minister : I would like to make that position very clear. As I have said, I am dealing at present with this Bill. There is nothing positive and definite in this changing world. Legislatures have got full powers. Taxation proposals will be considered in due course when the report of the Retrenchment and Resources Committee is considered. I cannot anticipate the decision. But as regards the Bill now before us, I can say positively that we are remitting taxation and not levying any taxation.

Mr. Speaker : The question is—

That the Punjab Motor Vehicles Taxation (Amendment) Bill be passed.

The Assembly divided : Ayes 64, Noes 28.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
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 Bahadar Nawab Chaudhri.
Fazal Din, Khan Sahib Chaudhri.
Fazal Karim Bakhsh, Mian.
Few, Mr. E.
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.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Man, Sardar.
Karamat Ali, Shaikh.
Kishan Das, Seth.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Amin, Khan Sahib Shaikh.
Muhammad Asraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Fayez Ali Khan, Nawabzada.
Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
Muhammad Hussain, Chaudhri.
Muhammad Nawaz Khan, Major Sardar Sir.
Muhammad Qasim, Chaudhri.
Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yasin Khan, Chaudhri.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Muzaffer Khan, Khan Bahadur Captain Malik.
Muzaffer 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.
Pritam Singh Siddhu, Sardar.
Ranpat Singh, Chaudhri.

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.
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.
Barkat Ali, Malik.
Bhagat Ram Choda, Lala.
Bhim Sen Sechar, Lala.
Chaman Lal, Diwan.
Dev Raj Sethi, Mr.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Jalal-ud-Din Amber, Chaudhri.
Kabul Singh, Master.
Kapoor Singh, Sardar.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.

Mazhar Ali Azhar, Maulvi.
Muhammad Hussain, Sardar.
Muhammad Nurullah, Mian.
Muni Lal Kalia, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.
Raghubir Kaur, Shrimati.
Rashida Latif Baji, Begum.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sardar.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

EXCISE (AMENDMENT) BILL.

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

I also beg to move—

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

Mr. Speaker: Motion moved—

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

Diwan Chaman Lal (East Punjab, Non-Union, Labour): I beg to move—

That the Punjab Excise (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 15th of May 1940.

Mr. Speaker, the reason why I tabled this amendment was not with the object of delaying the measure but with the object of seeking some guidance as to what this measure is about. If my honourable friend had not confined himself merely to the statement of objects and reasons attached to this Bill

[D. Chaman Lal.]

but had let this House imagine what the effect of this measure was going to be then we would have been in a better position to make up our minds as to the desirability of this measure. Now the statement of objects and reasons states that 200,000 dozen bottles have been imported annually into this country, that the source of supply was in German territory and is no longer available, that the English supplies are uncertain, that the English prices are nearly 200 per cent. higher and the cost of freight may be expected to increase further and that accurately-sized Indian made bottles are not yet on the market. Now these are reasons which may actuate a private interest to promote a public Bill. But these are not reasons which may persuade my honourable friend as representing the Government to come forth with a measure of this nature. Has any attempt been made to find out what the import of these bottles into the Punjab is annually? I take it that the figure that my honourable friend gives in the statement of objects and reasons is the total figure of imports of Germany into India. Or is it the figure of imports into the Punjab? If it is into the Punjab, there are no statistics available. As my honourable friend knows pretty well, there is no method by which we can gauge or judge or estimate the number of bottles that come straight into the Punjab apart from the bottles that come by import into India. There is no method and therefore, on what basis this calculation has been made we want to know. Again, if the price of these bottles has gone up by 200 per cent, then what? The price of many commodities has gone up by 200 per cent. Is that a reason for bringing in a measure of this kind confined for the benefit of the distilleries in the Punjab and not for any other interest? The interest is the distillery interest in the Punjab. Are we going to be confined in our legislative efforts to the distillery interests in the Punjab or are we going to take a wider view, a view which will benefit the people as a whole? I have already stated in the absence of my honourable friend that we have important legislation awaiting us. We have legislation moved by my honourable friend himself relating to trade employees and that legislation which in my honourable friend's enthusiastic moments was supposed to come before this House in the month of November—and he will remember that we fully co-operated with him in bringing the date nearer in regard to the presentation of that measure—is not yet brought forward and we are still awaiting presentation of that measure before this House. That measure affecting thousands and tens of thousands of employees in the Punjab is relegated and a measure affecting a few distilleries in the Punjab is brought forward by my honourable friend on the plea of urgency of Government business. I do submit that there is no sense of proportion in regard to the manner in which legislation of this kind is being brought before the House. One measure is hardly finished before a new measure comes up and the unfinished measure is relegated to the limbo of almost forgotten things, whereas a new measure probably for the benefit of the vested interests is brought forward. Which are the interests that are going to benefit as a result of this measure, I ask? Has any enquiry been made? Have any statistics been gathered? Has it been found that Japan or even indigenous industry cannot supply the want of these distilleries? Has it been found? I do not know. The House is in the dark.

I am in the dark. The public is in the dark. The only wise man in this House and in the Punjab to-day is the Honourable Minister of Development. He knows all the facts. He has studied the position carefully and he has prepared this measure after a full consideration of all the relevant facts! Well, there is a definition of dictatorship which would aptly apply to the proceedings of my honourable friend. "I, the Honourable Minister of Development, am convinced that this is a good measure. Why need you ask what this measure is about? It is unnecessary for you to ask. Why need you ask what are the interests that are to be affected? It is not necessary for you to know. Why need you ask whether there are alternative sources of supply or not? Why? After all is said and done you will be wasting the time of the House in these unnecessary diversions in reference to this measure". But I happen to be unfortunately a man possessed with a little sense of curiosity and I do want to know as to what are the actual basic facts which have impelled my honourable friend to bring this measure before this House. Now, Mr. Speaker, you will be kind enough to see that this particular measure which my honourable friend is bringing is legally outside the ambit of the Excise Act. This measure deals with the manufacture, transport and possession of bottles. But what does the Excise Act deal with? It does not deal with bottles. The Excise Act deals with the manufacture, transport and possession of intoxicant drugs and intoxicating liquors. Those are the things which in the preamble of that Act, are included. The preamble of that Act says:—

Whereas it is expedient to consolidate and amend the law in the Punjab relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and the intoxicating drugs, it is hereby enacted as follows:

Are we going to change the preamble of this Act to include not only the export, import, transport, manufacture, sale and possession of intoxicating liquor and intoxicating drugs but also of bottles, bottles which may contain intoxicating liquor and intoxicating drugs?

Are we amending the Preamble? I say that this measure is outside the scope of the Excise Act itself. It is of an entirely different nature. To-day my honourable friend on the plea of an excessive increase in the price of bottles, legislates about bottles; to-morrow he may come forward with a measure to legislate for labels on these bottles; because the distillers are being made to pay more for the price of the paper or the ink that is being utilized in printing that paper. I do submit that first of all this House is entitled to know the interests that are at the back of this measure which want the support of my honourable friend. Which are the interests that want this? The only interests that I can think of are the distillers in the Punjab who require my honourable friend's assistance. We want to know which distiller he has in mind and we want to know whether any one of these distillers which my honourable friend has in mind is incapable of being in a position to pay a two hundred per cent increase in the price of these bottles. If the price of the bottles has increased, as it has been according to my honourable friend, what would be the result? You increase the price of liquor, you decrease the consumption of liquor and if the price of liquor is increased because the price of bottles has gone up, naturally it must go up, the inevitable result is that consumption goes down. To oppose this measure which my honourable friend has brought before the House is to

[D. Chaman Lall.]

take a step forward towards prohibition in this province and to support my honourable friend in regard to this measure is to further the ends of those who do not want prohibition in the province. Now, I submit these are mere relative facts, and my honourable friend would have to give us some inkling into them before he asks this House to consider this measure on its merits. Now, let me have a look once again at the terms of this measure. My honourable friend claims that the system which was created some 20 years ago of sealed bottles stands in jeopardy to-day because the price of bottles has gone up by two hundred per cent. Do I conclude from that that because the price has gone up by 200 per cent the distillers or all those concerned who manufacture this liquor and put it in sealed bottles are going to refuse to put it in such bottles? They are not going to refuse to utilize sealed bottles, if the order is that this must be done. They will have to look round and get bottles. But why should my honourable friend come round to assist them? Why should this Government be wasting its valuable time in providing this measure for the benefit of these liquor interests in the province? As alleged in the statement of objects and reasons, not because there is any danger that the bottle system will disappear, but because there is a danger that the liquor interests will have to pay 200 per cent more for bottles. Has an attempt been made, I ask, to find out from these very interests whether they are capable of getting these very bottles from Japan? Or whether it is not possible for them to get into touch with glass factories in the province or outside the province and ask them to produce the standard bottle? It should not be at all difficult for the glass works in existence in India to produce the standard bottles, if my honourable friends the distillers in the Punjab so want (*laughter*). Now I ask, has it been tried, has an attempt been made to find out whether any of these glass interests are willing to provide by manufacturing these bottles for a market which according to my honourable friend has disappeared? Surely it stands to reason that where a particular supply stops and there are facilities for the manufacture of that commodity in the province or in India that every attempt will be made by industrial entrepreneurs to produce that commodity and capture that non-existing market and as a matter of fact we have just recently given him the necessary powers in regard to subsidizing industry. He can quite easily call a conference of the industrial interests and see if he cannot get these particular bottles manufactured. They may not be just as good as the bottles imported from Germany, but these bottles can be procured in India without question. If so, why should this House become a party to a proposition which is deemed to benefit certain interests pursuing a trade which is not according to my honourable friend a desirable trade. Instead of putting every obstacle in the way of this trade my honourable friend by this measure would be facilitating this trade. And these are, Mr. Speaker, my objections to this measure that has been brought forward by my honourable friend. First of all you have to consider, Mr. Speaker, whether legally this measure can come within the purview of the existing Excise Act in view of the preamble of that Act. It is quite true that my honourable friend can bring in a new measure which would seek to provide that all bottles of this nature would be returnable to the particular interests that are engaged in the

particular trade. He can bring in a new measure of that kind, but then I ask again, what will be the effect of this measure? Let us have a look at the Act itself. In the sections that are going to be amended in reference to this measure, they relate to the addition of the word "bottle" where the word "intoxicating" is to be found or "intoxicant" is to be found. Now the addition of the word "bottle" will mean that the possession of the bottle in contravention of this measure will become an offence. Bottles will be capable of confiscation. If my honourable friend possesses a bottle of this nature and it is returnable it is capable of confiscation even exactly in the same manner in which premises can be searched where it is alleged that the possession of liquor has been suspected or where liquor is found which a person is not entitled to possess. The very same provisions will come into action. The police can search the premises and take the man to task for possessing such bottles. I ask, are such wide powers not being given for the benefit of a few industrial concerns in the province? Are such wide powers to be given for their benefit? Is it desirable to give such wide powers in the hands of the authorities for the benefit of private interests? I could understand it if it were a public interest involved, but here it is not a public interest. What is involved is a private interest. I do submit that the principle of suggesting legislation which is only going to benefit a particular group of persons or manufacturers at the expense of the community is wrong. If I buy a bottle, suppose I am minded to buy a bottle, does it become my property or not? And if it becomes my property, what right has anybody to come to me and say I am going to search your premises because a thing that is your property you do not return to the distiller? I do submit that before we give my honourable friend the necessary permission to go ahead with the measure, my honourable friend would be well advised to think twice before he permits legislation of this kind because there is always this suspicion in the minds of the public, not that the suspicion has any basis, as far as my honourable friend is concerned, let me admit that quite freely, but there is always a suspicion in the mind of the enlightened public that the private interests have the ear of the Government; and wherever a private interest is concerned, Government should be very chary in moving to the support of these private interests and in this particular case it is in the public interest that the commodity which is sold by this particular group of manufacturers should increase in price rather than decrease in price.

ADJOURNMENT MOTION.

POSTPONEMENT OF ELECTIONS TO LOCAL BODIES.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns (General) Urban): I beg to move—
That the Assembly do now adjourn.

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

Sir, it is quite obvious that the adjournment motion that I have moved is a most important one. As it has been mentioned in it, the order was issued by the Government on the 10th instant and I think it was received by the

[Ch. Krishna Gopal Datt.]

local officers on the 14th or 15th instant. I may submit that I have not seen the order myself, but an esteemed friend of mine has done so. As the Government have not taken any objection to it, I think it is true that the order has been issued by the Government to the effect that all the general elections of district boards, municipal committees, notified areas and town committees to be held in different districts, towns and villages should be postponed for one year. It has not been mentioned in the order issued by the Government that the time limit will come to an end automatically after one year. No, not at all. The Government have, on the other hand, decided that after one year they will again consider this matter and see if the state of affairs is favourable and then general elections may be held, otherwise they will again be postponed for two or three years or more. If you ask the Government the reasons for issuing such an order, they will tell you that two reasons have been responsible for it. The first reason is that unusual conditions have cropped up in the Punjab on account of the present war. And the second reason is that certain district boards in the Punjab have passed resolutions to the effect that the coming elections should be postponed for one year. Government have, therefore, made up their mind to postpone the general elections of local bodies in the province. The importance of this matter, I think, demands a careful and dispassionate consideration at the hands of the Government. My submission is that thousands and lakhs of people who are now entitled to elect their representatives for managing the municipal affairs would be deprived of their right to elect their representatives for local self-Government. I am at a loss to understand this sort of undemocratic principle. Besides, we have no reason to believe that the present war will come to an end after one year. The House might be aware that the European war experts have declared many a time before that the people should store the necessary provisions sufficient to maintain them for six or seven years. And Hitler has also declared during his speech that in order to face the economic blockade which the British have launched, Germany has made sufficient arrangements for raw materials which would maintain her for a period of six or seven years. It means that the present war, according to the views of the war experts, will not come to an end after one year, but it will last six or seven years. If so, may I ask the Government whether the Punjab will be deprived of the right of local self-Government and the representatives will no longer be elected by the people and democracy will be annihilated in the Punjab for six or seven years? What a pity it is that they are going to hoodwink the people at large like this. It has also been said that the present war is being fought for democracy. This sentiment has not only been voiced by one person but also by eminent personalities like Churchill, Chamberlain, Halifax and the Viceroy of India. But what we see in our province is that the principles of democracy are being trampled under foot. It is stated that the present war will produce curious results and if the English win this war a new world order will be created wherein all the nations will be treated alike and poverty and slavery would be conspicuous by their absence. We cannot say who will win the battle. Heaven knows what will happen tomorrow.

Does it stand to reason that whatever little amount of self-government and democracy was being enjoyed by the inhabitants of India, should now be

taken back in the name of that very war which is said to have been waged for the protection of democracy? To me, at least, it appears that the order of the Punjab Government which is under discussion will prove a death knell for the elementary principles of democracy in this province. When we look around, we find that the people in other countries merge their political differences at the time of war and the Governments of those countries take the members of the Opposition into their confidence. Secret sessions are held just as it is being done in the House of Commons at present. But as against this, we are sorry to find that in our province just the contrary is being done in the name of war. The honourable Leader or the Deputy Leader of the Opposition is not being taken into confidence by our Government. That is my first objection against this order of the Government.

Now I expect that when the Honourable Premier takes the trouble of replying to the adjournment motion, he will throw some light on those extraordinary conditions which have arisen in this province as a result of the European war. What exactly is that state of emergency which this war has produced in the Punjab? May I remind the Honourable Premier that the people in Europe are still wondering as to whether war has actually begun or not. But it is really very strange that here in the Punjab which is far removed from the scene of hostilities, extraordinary conditions are said to have already been produced by the said war. It is interesting to note in this connection that some people in Europe are thinking that Mr. Chamberlain and Herr Hitler may still shake hands in peace while our Unionist Government in the Punjab think that a state of emergency has already been created by the war which has not as yet begun in right earnest. Did our Ministers satisfy themselves before issuing the order in question that all democratic institutions have been suspended in Europe on account of the war? When the democratic machinery has not been stopped in Europe on account of the war, why should the same democratic machinery be brought to a standstill in the Punjab? I may here point out that there is no immediate danger of India being invaded. Had the Government of India been actually waging war against some country, I would have endorsed the order in question and I would have gone further to declare that it was the duty of every Punjabi—man or woman—to contribute his or her last penny towards the war fund. But when there is no imminent danger of Afghanistan or Russia attacking India, why should the Government of the Punjab behave as if they are actually engaged in war?

I may be allowed to refer to the statement of the Honourable Premier which he made in regard to the resolution that had been tabled for discussion in this House sometime back and in which it was sought to prevent local bodies from contributing anything towards the war fund. An honourable member of the Opposition had given notice of this resolution in view of the fact that the financial condition of the local bodies was generally bad in this province. The Honourable Premier declared that he would issue instructions to local bodies that they should not contribute towards the war fund. Now it is clear from that attitude of the Government that the local bodies have nothing to do with the European war or, at any rate, are not engaged in the war. They have numerous other problems to solve, that is, the problems of sanitation, education, light and health, etc. They have

[Ch. Krishana Gopal Dutt.]

to carry on their normal duties. No abnormal conditions have arisen in this province. If there is any war in the world, it is in Europe and not in the Punjab. The door of democracy should not, therefore, be banged against the local bodies of the Punjab. The municipal elections of the various local bodies do not hinder in any way the efforts of the Government to raise money and men for the war. I may here quote the example of the elections that have been recently held in Lyallpur and Kasur. Even at Gojra the elections are being held at present. I wonder if these elections have retarded the war efforts of the Government. May I ask if less money has been contributed by these cities towards the war fund or if fewer recruits have been offered by them than other cities? Hundreds of starving people in the Punjab are waiting to be enlisted in the Army. That is what you think. I fail to comprehend what adverse effect the elections of the local bodies will have on the war efforts of the Punjab Government. They will not stop recruitment to the Army.

Premier : You cannot comprehend that, because you would not offer for recruitment.

Dr. Sant Ram Seth : May I ask on which front the Honourable Premier is going to fight in Europe?

Chaudhri Krishna Gopal Dutt : Well, Sir, the thing is that we are on principle opposed to the policy adopted by the Government in regard to war, and as the honourable members are aware the position of the Congress in this respect has been made abundantly clear. But it is a pity that the Punjab Government have tried to misrepresent Pandit Jawahar Lal Nehru for his policy about war. They have also attempted to create misunderstanding in the public mind about the views of Mahatma Gandhi, which he expressed after having interviewed the Viceroy some time ago. As a matter of fact, Mahatma Gandhi is a godly person. He does not doubt the sincerity of others. His honesty of purpose, too, is well known. He thought the Viceroy who is the representative of the Crown in India, to be equally sincere. At that time Mahatma Gandhi expressed great sympathy for Poland and prayed for the success of the allies though he made it clear that he did not desire the destruction of Germany. But as you will observe, Sir, politics is like a game of chess. Views change with the change of conditions. At first Mahatma Gandhi thought that the British were fighting for a righteous cause, because Britain had cried itself hoarse that it had taken up arms with the sole purpose of saving the democracies and the independence of weaker nations. He, therefore, asked the British Government to announce their war aims in regard to India, that is, whether they were prepared to confer independence on India also or continue to keep it in bondage, in spite of having entangled this country into war. After the reply of the British Government, Mahatma Gandhi and Pandit Jawahar Lal Nehru were disillusioned. Their hopes and faith in the sincerity of the British Government were shattered. What was the reaction of this declaration? I would like to quote Mahatma Gandhi's words in this connection. He wrote "I cannot wish success to British arms, if it amounts to continuation of the British hold on India. I am writing these words with a heavy heart". I ask the

Punjab Government if they disseminated the previous views of Mahatma Gandhi in rural areas, they should in fairness apprise the villagers of the present views held by him and Pandit Jawahar Lal Nehru. Honesty demands that they should, as they did before, distribute pamphlets containing the views of these accredited leaders and the resolution passed by the Congress in regard to war so that the simple hearted villagers may not be misled. (*Interruption*). Mr. Deputy Speaker, what I wanted to drive at is that war is being waged at the Western front and even that is doubtful and no extraordinary or unusual conditions exist in this province necessitating the postponement of general elections of the local bodies. I would now like to expose Government's real intentions underlying this unjust order. It is an open secret that Congress activities in the Punjab are in full swing. The Congress hold on the public is increasing by leaps and bounds. (*Cries of oh! oh! from the ministerial benches*.) No amount of "oh", "oh" will change facts. The influence of the Unionists is on the wane. I can quote facts and figures in support of my contention. As you are aware, Sir, the municipal elections are an index of the mind of the people. I would show which way the political wind is blowing in the Punjab. As a matter of fact, the phenomenal success achieved by the Congress in recent municipal elections at various places have perplexed and unnerved the Government. (*Hear, hear*). And in order to save their prestige, the Government have issued an order postponing the general elections of the local bodies. (*Cries of oh! oh! from the ministerial benches*). Wait and see. Mr. Deputy Speaker, the figures are as follows. In Toba Tek Singh, five Congress candidates contested the municipal elections and out of them four were successful. In Jagraon four out of five Congress candidates were returned to the Municipality. In Rohtak eight seats were contested by the Congressites and seven were captured by them. In Simla out of three Congress candidates two were returned unopposed, when the elections were postponed. Similarly in many places the Congress swept the polls. As regards Lyallpur, 11 out of 12 were elected to the municipality. In all the Punjab Congress set up 112 candidates out of whom 84 were declared successful. These hard facts amply prove which way the public mind is working. The influence of the Unionists is definitely dwindling. They have unnecessarily raised the bogey of war. As a matter of fact a political war between the Congress and the Unionists is going on, in our province. The Unionists finding it hard to save their tottering position have resorted to means which do not become of any democratic political party. They are trying to mislead the unsophisticated people in the name of religion. But the figures adduced by me fully indicate that the nationalist forces are fast gaining ground in the Punjab. The Honourable Premier wants to stem the rising tide of the Congress popularity by stifling local self-government in the province. He must bear in mind that by issuing the order of postponement of general elections of local bodies, he would be alienating the sympathies of the people, because the order is calculated to deprive people of their right to manage their municipal affairs. Besides, he would be jeopardizing the cause of the British, which he is so anxious to serve wholeheartedly. I again repeat that no unusual conditions exist in our province and therefore I consider this order as most uncalled for. I am of the opinion that local bodies form the basic institutions in the democratic form of Government and it is not safe

[Ch. Krishana Gopal Dutt.]

to tamper with them in this manner. I may also point out that this is a matter which is not connected with party politics. It is a question of the right of the people. I appeal to the conscience of the honourable members to register their emphatic protest against this action of the Government and urge upon them the desirability of cancelling the order. With these words, I commend this motion to the House for its acceptance.

Mr. Deputy Speaker : Motion moved—

That the Assembly do now adjourn.

Sardar Kartar Singh (Lyallpur East, Sikh, Rural) (*Punjabi*) : Sir,

S.P.M. I rise to support the adjournment motion that has been moved by my honourable friend Chaudhri Krishna Gopal Dutt. I believe that the selfish motive which has impelled the Government to issue this order *re* postponing the election of local bodies for one year cannot in any way be termed as fair and just. Obviously this order has been issued in order to please the members who are at present supporting the Government. If we think over this matter we will find that most of the honourable members who are at present siding with the Government are members of local bodies as well. In my opinion there are only five per cent of honourable members on the Government benches who do not happen to be members of some local body or the other. It is therefore quite clear that these elections have been postponed merely to provide an opportunity to such honourable members to continue to remain as members of those local bodies for a longer period. It is a matter of common knowledge that elections are a matter of worry. Even strong minded persons are afraid of fighting elections. Apparently the Government want to save their supporters from worries of fighting elections as far as it lies in their power. To me it seems that this is the real object behind this order. The fact of the matter is that the persons who are at present members of local bodies rather desire it earnestly that such elections should be postponed for ever. So long as it serves their purpose they would regard even such like undemocratic orders on the part of Government as reasonable because they would be saved from the botheration of fighting elections. Rather they would be thankful to the Government and the Government in return for bestowing this favour would get greater support from them. This decision of the Government would undoubtedly benefit the honourable members who are at present members of local bodies but on the other hand it would simply mean that Government are trampling under foot the just rights of the people. Moreover the way in which the Government have behaved during the last two or three years in the matter of elections of local bodies proves this thing beyond any doubt that they want to benefit their supporters come what may. In view of achieving this object they do not even feel constrained to trample the rights of the public at large and they have done so in the past in many ways. In order to elucidate my point I would like to cite an example for the information of the honourable members opposite. There was a gentleman who was the Superintendent of fairs in the Lyallpur District Board. He was sued for embezzling something like Rs. 45,000 in a court of law. He was convicted and sentenced to four years' imprisonment and some fine. However he was released before the expiry of his period of imprisonment on the ground of either old age or ill health. After a short time of

his release the elections of the Municipal Committee of Lyallpur were held. Although even his period of imprisonment was not over he was permitted by the Government to contest an election from one of the wards. The fact of the matter is that Mir Abdul Qayum, an Ahrar leader, was standing for election from one of the constituencies and no other member of the public was willing to stand against him. The Unionist party wanted to oppose him and in order to achieve their object the Government went to the length of removing the disqualifications of the person who was recently sent to jail for embezzlement. From this it is quite clear that in order to curb independent spirit among the members of the public, Government can go to any lengths. One can imagine how far they can misuse their power. The incident that I have related is quite true. As a matter of fact, I know the late Superintendent of fairs pretty well because I was a member of the District Board myself and I can say on the basis of my personal experience that much hue and cry was raised by the people when the case of embezzlement was known. It is a matter of great regret that Government on the force of their majority are even allowing fraudulent people to stand in elections merely for the sake of opposing their political adversaries.

Besides, I may point out that the elections of the Municipal Committee of Lyallpur have been completed long ago, but so far the Government have not published the names of the elected and nominated members in the Gazette. The whole truth of the matter is that the Government have bidden farewell to all principles of democratic Government. Although no specific time limit has been set in the Municipal Act for publishing the names of the members of local bodies in the Government Gazette this omission should not be misused. In the present case I can say without any fear of contradiction that this Government is suppressing the just rights of the people inasmuch as they do not allow the elected members of local bodies to work in their committees. In this connection, I may point out that the elections of the Lyallpur Municipal Committee were completed long ago but so far the members have not been allowed to work in their Committee. The reason for this is that the Congress party has got a majority in the elections and the Government do not want to see that the control of the municipal affairs should pass to Congressmen's hands. This is the reason why the Government have not published their names in the Government Gazette and on the other hand in my opinion the Government are marking time in order to create a split in the members of the said municipal committee by buying some of them or by any other means. When the Government is certain that they have achieved their object, then they will publish the names of the nominated members in the Government Gazette. In short this is the main reason for this delay. I may add for the information of the honourable members that there is one Christian member who is being harassed by Government. In fact he has been served with notices and is being troubled in many other ways. Now if he gives an assurance to the officials that he will side with the pro-Government party, then he is sure to be free from threats of litigation and other troubles. But if he persists in his present attitude he will be treated otherwise. May I know whether this is the treatment that is being meted out to the elected members by this Government? This kind of attitude on the part of the Government is against all canons of justice and fair play.

Sardar Sampuran Singh : I rise to a point of order. The Ministers concerned are altogether inattentive. As a matter of fact they are creating a noise which is disturbing other members. They are talking to each other from a distance and so loudly that even we can hear them. Ministers should at least learn to behave.

Mr. Deputy Speaker : This is no point of order.

Lala Duni Chand : I have also a point of order. I want to know from you if the Honourable Minister in charge is not bound to hear the formidable arguments that are being advanced by the honourable member.

Mr. Deputy Speaker : That is not a point of order either.

Minister for Public Works : I am all attention.

Sardar Kartar Singh : Sir, the Government have availed themselves of the very first opportunity that came their way and have postponed the elections on that pretext. This is borne out by facts. When the Multan district board elections were held, some nine months were wasted in making nominations. And then the majority of the elected members was turned into minority by means of the nominations because only the people of a certain type were nominated. The result was that within a few days a resolution was passed to the effect that henceforth the Deputy Commissioner should be the chairman of the district board. Whereas in other cases usually many months elapse before resolutions are gazetted, in this case the same was done within three days.

In view of these facts the House can very well judge what a trying affair these elections are to this Government. That is why they avoid them by means of postponements. May I know what special circumstances have arisen which have necessitated this procedure? No place in the province has been bombed. None of the Ministers has so far suffered even a nose-bleeding on account of war. The Government has found a queer way of helping in the war. If they were so keen on rendering assistance in connection with the war they should have armed the people by giving them a million rifles or should have trained them as pilots, or else should have given them training in manufacturing hand grenades. But all that they have done is that they have postponed the elections to benefit their friends by lessening their worries in respect of their seats and by securing for them a longer tenure of office. So far we have not received any news of the French having been defeated on account of the elections to the local bodies of any district in the country, since the war broke out or of some ships having been sunk for that reason. Nor have such postponements proved a source of help to the Allies.

Dr. Sir Gokul Chand Narang : May I just ask one question? Has any order been published? At least I have not seen any. What is the wording of the order which is under discussion?

Minister for Public Works : I will let you know when I am replying to the debate.

Dr. Sir Gokul Chand Narang : That is not a reply to the question. It is an old trick. We are absolutely in the dark about the wording of the order. I think the wording will help us to appreciate the point under discussion.

Minister : You have played that trick so often and know all about it.

Dr. Sir Gokul Chand Narang : I was referring to your other day's trick.

Minister : I was referring to your past tricks.

Dr. Sir Gokul Chand Narang : I do not think this is a reply which befits a Minister in spite of the allowance which one may make for his youth or inexperience. I do not know why he is upset. But I am really serious. I did not mean any disrespect.

Minister : Nor did I mean any.

Mr. Deputy Speaker : The Honourable Minister is not acceding to his request.

Dr. Sir Gokul Chand Narang : Let him say so.

Sardar Kartar Singh : My honourable friend Dr. Sir Gokul Chand Narang put a straight question to the Honourable Minister but the latter has not vouchsafed any reply, and if he has given any reply it was so evasive that no member of the House could be expected to be satisfied with it. I would make a submission to Dr. Sahib that he should not get angry on that score because the Honourable Minister belongs to a wealthy family and, as is the case with the children of such people, he has been spoiled and pampered and is, therefore, prone to indulge in coquettish pranks.

Here in our province the Unionist Government has thought it necessary to postpone elections to district boards for the purpose of helping in the prosecution of the war. They are probably not so zealous and earnest in giving assistance as the Canadians are, and yet the Canadian Premier has decided to hold fresh elections to the Parliament in order to be able to do more than they are already doing in rendering assistance to the Allies. I cannot say which of the two is wise in the matter, whether our Premier or that of Canada.

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

Sardar Kartar Singh : I have almost finished, Sir. In the end I condemn this policy of the Government with all the emphasis at my command and whole-heartedly support the motion moved by my honourable friend Chaudhri Krishna Gopal Dutt.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, I had no mind to take part in the discussion on the motion now before the House. But I have been compelled to say a few words by way of reply to my honourable friends Chaudhri Krishna Gopal Dutt and Sardar Kartar Singh, who have unnecessarily dragged the European war into this debate. It was not only unnecessary but was also not proper for my honourable friends to have made the war a subject of debate.

My honourable friend Chaudhri Krishna Gopal Dutt remarked that he could not see any actual signs of war going on in this country, nor was there, he said, a war worth the name in progress even at the Western Front, and therefore he saw no justification for the postponement of elections in the Punjab because of war. Sir, I beg to submit that only those nations can

[Premier.]

hope to emerge victorious out of a war who have kept themselves prepared for any and every eventuality. You have seen the fate of countries like Poland and Czechoslovakia who were not prepared for a war. Anyway this topic is neither before the House nor in anyway relevant to the discussion. The Punjab has given its decision through this House and the attitude of this province will be governed by the decision arrived at by the elected representatives of the country. (*Interruption.*) My honourable friend should have a little patience. I am only replying to the arguments advanced by some of my honourable friends on the opposite benches. I do not want to pick a quarrel with any one, and I am not in the habit of imitating an ostrich who buries his head in sand and considers himself safe.

My honourable friend said that the elections were being postponed on account of the war and my honourable friend Chaudhri Krishna Gopal Dutt asked, "How has the Punjab been affected by war?" Let me inform him that on the North western frontier a number of minor raids were made by the tribesmen and yet they have disturbed the peace of the whole province. Only the other day a gang 500 strong raided a district in the Punjab. Probably my honourable friend thinks that so long as his town is safe all is well in the Punjab. May I know if those living on the border are not our brethren? Are not their children as dear to them as our children are to us? My honourable friends should remember that the atrocities which are being perpetrated on our brethren living on the border are in fact being perpetrated on us.

Sardar Sampuran Singh : On a point of order. What has this fact, viz., the raids at the Frontier, to do with the postponement of elections? There is no anarchy in the Punjab.

Mr. Deputy Speaker : The honourable mover of this motion made certain remarks and the Honourable Premier is simply replying to them.

Sardar Sampuran Singh : Then we are doubly neglectful of our duty. If first the mover was irrelevant now the Premier is irrelevant.

Premier : Anyway I was explaining what would be the general effect of the war on our country. The honourable member opposite may please himself by saying that we have raised the Afghan bogey simply to scare the public into supporting the Allies in this hour of need. In fact he is not prepared to realize the gravity and seriousness of the present situation. If, God forbid, that dire calamity ever befalls the country, he and his colleagues would, I am sure, be the first to take to their heels and we on this side would be among those who would lay down their lives for the defence of their motherland. His main contention was that since there is a stalemate on the Western Front we need not take precautionary measures in this country. It seems to me that he has completely forgotten the incident which was the subject matter of the adjournment motion of my honourable friend Lala Duni Chand. But it must be fresh in the minds of other honourable members that a gang of some 500 Waziris and others made a daring attempt to plunder a Punjab town in broad day-light. If the adventurous tribesmen embark upon such ventures.....

Dr. Sant Ram Seth : That was due to the policy of the Government.

Premier : It may be the policy of other Governments but not of the Unionist Government. We cannot brook the sight of anybody raiding our houses and making good his escape with all our valuables. We must at least put up a fight before he decamps with our property.

Sardar Sohan Singh Joth : What power has he got to fight with his enemies ?

Premier : I may or may not have the power necessary to give a deadly blow to the enemies of my country and nation but I have enough courage to withstand the onslaught of brutal force. My honourable friends who are at present adorning the opposite Benches would be the first to submit to the yoke of such an invader. My honourable friends should not pretend to be ignorant of the real state of affairs. Giani Kartar Singh was pleased to remark that all these precautionary measures are being taken simply to afford financial help to England and France. It does not lie in the mouth of such a responsible member to make such irresponsible statements. He belongs to a community of stalwarts famous for its valour and heroism but I am sorry to say that these words have failed to justify the position taken up by his co-religionists in this matter. If he makes such uncharitable remarks outside the House he would be considered to have done a great injustice to the cause of his brave community and the Punjabis. You should not try to mislead the public by asking them not to give help to the Allies because that would be tantamount to telling them that they should not be ready to defend their own hearths and homes if an emergency arises.

Chaudhri Krishna Gopal Dutt : In your statement you said that you stand by the British Government and not by your own country. Yet said "I stand unconditionally by the British Government".

Premier : Probably my honourable friend has not gone through my statement wherein I had made it clear why I am determined to adhere to the position I have taken up. I am responsible for the peace and safety of the province and therefore I consider it the duty of every patriotic citizen to fight those enemies of mankind who are expected to make this country a veritable hell for all of us. The invaders would meet with strong resistance from all patriotic Punjabis and it would be my honourable friends opposite who would adopt the policy of resignation and submission. We are to-day helping Great Britain for the simple reason that we want to save our own hearths and homes and because we want to defend our motherland.

Chaudhri Krishna Gopal Dutt : Why do you not help Finland ?

Premier : Had it been possible for us to send regiments to Finland we would have done so. I fail to understand why my honourable friend is so anxious to thwart our war operations. Indian regiments have been sent to France, Egypt and Malaya. These expeditionary forces have been stationed there simply to meet the enemy beyond our borders and thus effectively to protect the lives and properties of my honourable friends opposite and other citizens. To-day they may not realize the imminent danger to which all of us are exposed and which threatens our very existence but that time may come and then they will have to face it with all its grim consequences. They should realize that this danger is not so remote as they think. It may be much nearer than even we on this side expect.

[Premier.]

My friends have asked the Government why they have decided to postpone the elections to local bodies. My honourable friend Dr. Narang has expressed his anxiety to see the circular issued by the Government in this connection. My honourable colleague Malik Kaizar Hayat Khan will make it abundantly clear why Government were obliged to issue such a circular.

Now, Sir, I come to the point raised by some honourable members regarding the extension of the term of the local bodies. Let me assure them that it is not a new thing. We all know that the present Central Assembly has continued for nine years. Although its term was extended thrice yet nobody took exception to these extensions. Similarly, prior to the inauguration of the new Constitution, the term of the old Punjab Council was also extended, but nobody objected to it. I can assure my honourable friends opposite that the decision taken by the Punjab Government will not adversely affect any vital interest of the province. I would request them to realize their responsibility at this critical hour. They should not be misled by the idea that there is a stalemate on the Western Front. The clouds of a world war at present loom in the distant horizon, but next March or April these war clouds may burst with the fury of a pent up storm. My honourable friends may think they are immune from the evil consequences of this calamity, but they will be sadly disillusioned if we are caught unprepared. Anyway they cannot deny that if we are enveloped as a result of the war spreading further afield, we must all suffer alike. We are asked to act upon the advice tendered by Mahatma Gandhi and the Congress in this connection. I am certain that neither Mahatmaji nor the Congress wants the Nazis to succeed. They have never said anything to support such a contention. In fact no responsible leader least of all Mahatmaji could be expected to make such an unpatriotic and inhuman statement at this critical juncture. The leaders know full well that any help which we may offer to the British Government to-day will redound to our own credit and benefit. To-day our interests are interlinked with the interests of Great Britain. If we refuse to give help to the British Government we endanger our own vital interests. It would be imprudent to allow our political differences with Great Britain to blur us to the danger to which we would be exposed if England was not there to help us. To cut off one's nose to spite one's face is not sound policy, and I am sure, no responsible leader would suggest such a course. The advice offered by Sardar Sohan Singh Josh to the effect that instead of helping others we should unitedly fight for the independence of our own motherland, sounds well enough. But I assure him that by sending troops to foreign countries we are not helping anybody except ourselves. All these preparations are being made to save our own homes and our own country. It is a pity that several members of the Congress in the province are not true Congressites. They are using the Congress merely as a stalking horse. Others, who are sincere at heart, though they may be few in numbers, should have the courage of their convictions to come forward and try to bridge the gulf which is being widened by wild statements and speeches often made by irresponsible congressites. We cannot achieve independence by mere words. What is primarily and essentially

needed to-day is a solid proof of their genuine love for real and permanent peace and security of their own motherland.

Now, Sir, let me say a few words for the benefit of the honourable mover of the adjournment motion. The people outside the House do not know that Chaudhri Krishna Gopal Dutt is still a *chooza* or a youngster. (*Laughter*.) When they read his irresponsible remarks in the newspapers they would take them at their face value. They would attach great importance to his words thinking that they were uttered by an experienced member of this august Assembly. I would advise him that in future he should take particular care not to make irresponsible speeches as they are likely to have a profound influence on the political atmosphere outside the Chamber. He is quite welcome to censure my Government; he may gladly criticise the policy of the Honourable Minister of Public Works; but he ought not to utter a single word which is likely to create bitterness and misunderstanding in the province. It is a matter of regret that several prominent political leaders have on various occasions made statements which have diminished the chances of any political advancement of the country. They ought not to have made such unwise and hasty statements. In fact such statements have, instead of relieving the situation, aggravated the political problems. I take this opportunity of advising my honourable friend Chaudhri Krishna Gopal Dutt to learn a lesson from the flagrant errors made by others. Let the young win where the old have failed. Let our younger statesmen work earnestly for bridging the gulf which unfortunately is becoming wider as a result of irresponsible speaking by some leader.

Now, Sir, I make room for my honourable colleague Malik Khizar Hayat Khan who will explain to the House the reason that led to the postponement of the elections to local bodies. What I wanted to impress upon the House was that my honourable friends should not be lulled by the slow progress of war. They should not lose sight of the fact that it can at any moment spread like wild fire and envelope the whole world, including India, in its flames.

Pandit Shri Ram Sharma : On a point of order, Sir, may I know as to whether the speech made by the Honourable Premier was relevant at all?

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Mr. Deputy Speaker, there are many things that surprise one in this Chamber and one of the things that actually surprise any thinking man is with what ease it is possible to slide off the real subject and enter into an oratorical gesture and not deal with the subject in hand but deliver a sermon of a type which, I might explain to my honourable friends, one would get if one is familiar with the modern automatic piano. You put a penny in the slot and you get a particular tune. I did think that my honourable friend, the Premier, would have risen above that and given us something concrete, some definite suggestion, some proposal upon which he based his decision to postpone these elections. But instead of that, my honourable friend has roamed a wide field, and expended his wit by calling my honourable friend over here a chicken. (*Laughter*).

Premier : I said *choos* and not *chooza*.

Diwan Chaman Lall : I think my honourable friend understood you to say *chooza*.

Premier : My honourable friend is mixing up *chooza* and *chooz*. He is a *chooz* and not a chicken.

Diwan Chaman Lall : It reminds one of the seasoned old rooster in the early morning and his cock-a-doodle-doo. We are familiar with the cock-a-doodle-doo which we hear very often from those benches. (*Inter-ruption.*) Yes, from those benches. (*An honourable member : Quite.*) My honourable friend says "quite". Will that satisfy him? (*Laughter.*) Now, Mr. Deputy Speaker, what is the proposition in hand? The proposition in hand is to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely the order of the Punjab Government, dated 10th instant, postponing the general elections of local bodies for one year. Now I ask this House and I ask you, Mr. Deputy Speaker, can you tell this House whether one word has been uttered by my honourable friend, the Premier, in justification of the action taken by him in regard to which an adjournment motion is being moved by my honourable friend? We are completely as much in the dark to-day after his speech as we were before the speech. All that we have heard is a wide ranging attack upon my honourable friend sitting to the left of me right up to the great leaders of the political movement in India.

Premier : No.

Diwan Chaman Lall : I will remind my honourable friend of what he said. He said, "these big leaders are also on the wrong track".

Premier : I am afraid my honourable friend has misunderstood me. My honourable friend was not present when Chaudhri Krishna Gopal Dutt made his speech. He quoted Mahatma Gandhi and Pandit Jawahar Lal on the war. If my honourable friend had been present at that time, he would have followed the context. My honourable friend over there said that these elections were being postponed on account of the War and that there was no war menace and no war bogey here and nothing was happening in the Punjab and then he quoted Mahatma Gandhi, Pandit Jawahar Lal and other eminent leaders and I made a reply that they said nothing to the effect that we should not help in the war and what I said was :

مجھے یقین ہے کہ آپ نے اس قسم کی غلط کہانی نہیں کر سکتے

That is what I said.

Diwan Chaman Lall : My honourable friend, when he reads the report of his speech will bear me out. I took down the words the moment he uttered them and at that time my friend was being interrupted. But may I ask my honourable friend that instead of the wide range attack from one thing on to another and saying something to this effect : "You have not got the war now. You wait until spring and then you will see", he might have gone a step further and told us why he has been compelled to issue instructions to postpone elections to local bodies for a year.

Premier : That the Minister concerned will tell you.

Diwan Chaman Lall : A most extraordinary proposition, Mr. Deputy Speaker. The Premier, who is responsible for the policy of this Government, the Premier makes a speech in reference to a speech made by my honourable friend over an adjournment motion and then does not give us a reply. He says, "I am not to give you that reply, the Minister in charge will give you that reply. Whatever the subject matter was, I was not concerned with it. All that I was concerned with was war and how to support the British Government." (*Premier : Question.*) My honourable friend is very fond of these cheap phrases. The only thing he said was that he was to help the British Government.

Premier : To help myself and to help my honourable friend.

Diwan Chaman Lall : I will quote it for him whenever he chooses. I am quite prepared to take this challenge. My honourable friend said, help the allies, help the British. Never did he say, "help your own country". All his life has been spent in helping the British but not helping his own country and it does not lie in his mouth now to divert the discussion from the real issue on to the subsidiary, a highly patriotic issue according to him—the issue of helping the British Government. Time may come, Mr. Deputy Speaker, when, if the Indian issue is clear, each one of us may be found in the same camp fighting for democracy. But it is a very curious gesture on my honourable friend's part, a very curious gesture, supporting democracy and denying democracy here in India. The very first step in fighting for democracy that my honourable friend takes is to take away the democratic principle as far as local governments are concerned, abolish elections. (*Interruption*) My honourable friend talks about Finland. Why does he not talk of his second home which is Great Britain? Have they abolished elections in Great Britain? Only recently an election took place for Parliament and that election involved a vast area and tens of thousands of electors and there was a Government candidate, there was a peace candidate and there was a no war candidate and even in England, which is the centre of this war, which is a few hours flying if not a few minutes from the great centre of War, even in England, they have not taken this undemocratic step of putting an end to elections. But my honourable friend is more pro-British than the British themselves. He is more democratic than the democrats themselves and he has taken this step even without consulting his legislature but as an executive action. He has taken this step to put an end to elections to local bodies. Now I ask him, does he justify this on the democratic principle?

Premier : Yes.

Diwan Chaman Lall : He says, 'yes'. We have always suspected that my honourable friend's meaning and significance of democracy was different from the meaning and significance of democracy of the rest of the world over.

His meaning of democracy is by executive action to put an end to the only democratic principle that is to be found in the administration of local areas and to justify it on the ground that we are fighting for democracy. Now, I shall take another example. My honourable friend knows Canada. He said that so many Indian troops had been sent to Malaya, Egypt and

[D. Chaman Lall.]

other places. But Canada also has sent troops to several places, perhaps more troops than my honourable friend's colleagues in the Central Government have sent. Ninety thousand Canadian troops have gone abroad and yet Canada is now in the throes of a general election. The democratic principle in Canada has not been abolished although it is nearer the centre of war than India. (*Interruption.*) My friend, Lala Duni Chand reminds me that the Canadians are closer kinsmen of the allies, the English and the French than the members of the Unionist Party. Be that as it may. The question is a very simple one to answer. Please tell us why you have taken this step. The only answer we have heard so far why my honourable friend has taken this step is that war is going on. But the war is at the gates of Great Britain and yet Great Britain has not done away with the democratic principles. Why then should we take this step when we are 6,000 miles away from the centre of war and when the exigencies of war are hardly visible in this country? If my honourable friend has some secret information he is welcome to take the view that he takes. But as far as we can see the effects of the war are hardly visible in India. Why then should he take the step that he has taken? The only suspicion that comes to one's mind is this that there is a fear that had these elections taken place or been allowed to take place there would have been a revulsion against the policy of sending lamdardars and zaildars who now sit in these bodies or sending those people who may be of the same opinion as my honourable friends sitting on those benches. It is a move not only against democracy, but it is a move to throttle the Opposition. I want to know what justification, apart from what we have heard from my honourable friend, there is for the Government to act in the manner in which they have done in putting off the elections to local bodies.

Again, may I ask whether there is anything to compel the Honourable Minister to take this action arising out of the declaration of war? Does the general election in any way interfere with the war? A by-election is now taking place in Multan for this Assembly. Does it prevent the war being waged in the way in which my honourable friend wants that it should be waged? If these by-elections are going to be permitted to take place what is there to prevent the Government's permitting elections to local bodies also to take place?

It is quite possible that my honourable friend has set this kite flying with the object of eventually taking action to prevent elections to this Assembly taking place. He knows that during the last few by-elections to Hindu and Sikh seats, we have captured every one of them. I am not talking of special seats such as labour and landlords constituencies. I am talking of the general and Sikh constituencies. Every one of these seats has been captured by us. It is on record that every one of these seats would be captured again by the Opposition if there were general elections. I do not speak from imagination, but I speak with the book. Take the example of the six by-elections that have recently taken place. It is therefore possible that the reason for postponing these elections to local bodies is by this kite flying to find out what reaction there is so as to enable my honourable friend to take the next step of continuing this particular Government in power and have no general elections for this Assembly during the course of the

war. We do not know how long the war may last. The last war lasted four years. But the pace of the last war was nothing compared to the pace of the present war. Are we to take it that by permitting the Honourable Minister to take the step that he has taken without challenge he will for the duration of the war postpone all elections?

Mr. Deputy Speaker : The honourable member's time is over.

Diwan Chaman Lall : I do not think I have had fifteen minutes. In any case I shall not take any more time of the House. I shall only ask this House to accept this adjournment motion and to accept it with the strongest condemnation of the action of the Government in postponing the election to local bodies.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (Urdu) : Sir, I do not want to take much time of the House. I will simply place some facts and figures before the honourable members of the House. As you are aware the honourable members sitting opposite have suggested that the reasons for postponing the general elections of local bodies is that the Unionist Government is afraid that the Congress candidates will sweep the polls wherever elections are held, and this will lead the people to conclude that the Congress party is more powerful than the Unionist party in this province. I should like to quote some facts and figures to refute the argument advanced by the opposition.

Take Gurgaon for example. The election of the District Board was held there in November 1938. One Congress candidate and 88 Non-congress candidates were elected. I may inform the House that the solitary Congress candidate who was successful was not opposed by a candidate of the Unionist Party, but by an independent candidate.

Chaudhri Krishna Gopal Dutt : Why do you not give the facts and figures of the Punjab collectively?

Premier : My honourable friend must bear in mind that those places can only be mentioned where elections have been held. (*Interruptions.*)

Minister : I do not understand why my honourable friends over there are so impatient to interrupt me every now and then. They should listen to me patiently. Let us take another example. In the election of the Hissar District Board two Congressmen and 82 non-Congressmen were successful. In Karnal one Congressman and 84 non-congressmen and in Ambala 6 Congressmen and 26 non-congressmen were elected to the District Board of their respective districts. Now I will take up the result of the District Board election held in Hoshiarpur district which is supposed to be the greatest stronghold of the Congress in the Punjab. Eleven Congressmen and 28 non-congressmen were elected. (*Cheers from Government benches.*) This is the position of the district where many a Socialist, Communist and Congressite live. (*Noise and Interruption.*)

An Honourable Member : On what ticket were they successful?

Minister : On my ticket (*laughter*).

Chaudhri Krishna Gopal Dutt : Oh, you are then a general ticket clerk or better a booking clerk (*laughter*).

Minister : But why go so far. Take the example of Lahore itself where the big guns of the Congress were brought into action. How many Congress members were elected to the Lahore District Board where Diwan Chaman Lall and Dr. Gopi Chand strained their every nerve to make the elections of the Congressites successful? Only 10 Congress members have been elected. (*Interruptions*). This is what you are proud of. (*Interruptions*.) Do my honourable friends know who was elected as Senior Chairman of the Ambala District Board?

Diwan Chaman Lall : Then why postpone the elections, if you are so sure of success? (*A Voice :* May I know on what ticket?)

Minister : If my honourable friend over there wants to know on what ticket these members were elected in the Gurgaon district, I may tell him that all the 33 members were returned on the Unionist ticket. (*Hear Hear.*) (*A vice* from the Opposition. What about other places?

Chaudhri Krishna Gopal Dutt : God knows about other places (*Interruptions*).

Minister : God has no hand in these dirty affairs. It is we mortals who are concerned with them.

Diwan Chaman Lall : Was your candidate for the Senior Presidentship in Hoshiarpur defeated or not?

Minister : The contest was between the zamindar candidates themselves and not between the Congress and the Unionist party. Just as there is a split between Dr. Gopi Chand Bhargava and Dr. Satya Pal or between Mahatma Gandhi and Babu Subhas Chander Bose, similarly Jats sometimes quarrel among themselves. That is purely a domestic affair of the zamindars. (*Interruption by Seth Sudarshan.*) What is it that my honourable friend Seth Sudarshan has to say? I am prepared to give way.

Seth Sudarshan : I want to know who won the elections in Hissar?

Minister : May I express the result in words most familiar to the Congress? There were, Sir, two candidates both belonging to the same camp. We have our own Dr. Gopi Chands and Dr. Satya Pals. The contest was between two Jats and the Congress had nothing to do with it. Just as we do not interfere in the domestic quarrels of the Congress, we expect that the Congress would not interfere in ours.

Further, in the Ambala district where my honourable friend Lala Duni Chand says the Congress had a complete sway I may say that the candidate set up by the Congress failed to be elected either as Senior or Junior Vice-chairman. The Senior vice-chairman of that Board is a Unionist, and president of the Zamindar League.

Sardar Sampuran Singh : You have not monopolised the Zamindar League. We have also zamindars among us.

Premier : You belong to all parties.

Minister : The honourable member belongs to the Congress, to the Zamindar League, to the Chief Khalsa Diwan, to the Akali party and so on by turns. It shows he has no political convictions to guide him. (*Interruptions.*)

Dr. Sir Gokul Chand Narang : Mr. Deputy Speaker, may I make a request ? If you cannot maintain order, better adjourn the House. The Assembly is degenerating into a fish market. It is not behaving like a decent House.

Sardar Sampuran Singh : I protest. I am not in the Chief Khalsa Diwan, and think it an insult. Please do not abuse us. I have never been in the Chief Khalsa Diwan.

Minister of Revenue : I never claim you. (*laughter*).

Sardar Sampuran Singh : Sir, I would like to make a request to the Honourable Minister of Development that when he talks of non-Congressmen, he should certainly, if he wishes to be clear on that issue, say how many were Unionists. Unless he gives these figures, we cannot make out anything of his speech.

Diwan Chaman Lall : Those who belong to no party, belong to the Unionist Party.

Minister of Development : I ask the opposition to point out a single District Board where a Congressman has been elected as senior vice-chairman or junior vice-chairman. Go to Ambala, or Hissar, or Gurgaon or even to Hoshiarpur which is claimed to be the most powerful stronghold of the Congress, which had the honour of a visit even from Pandit Jawahar Lal Nehru, and you will find that the Senior and the Junior Chairman are both non-congressmen.

Now let us come to the Rohtak district where Pandit Shri Ram Sharma says the Congress has captured the imagination of the people. There are only 6 Congress members in a total of 15 including elected very recently to the local municipality.

Sardar Sampuran Singh : And how many of them belong to the Unionist party ?

Minister : The fact of the matter is that I do not bother about towns. I am mainly concerned with rural areas. It matters little to me whether Unionists win or the congressites lose or *vice versa* in contesting municipal elections. Yet even elections to the Rohtak municipality disclose little evidence of Congress influence.

It has been claimed that the congress swept the polls every where. I have placed facts and figures before the House. They speak for themselves and amply prove that the claim of congress ascendancy in the Punjab is a myth. My honourable friend over there has been time and again citing the case of Rohtak to show that the congress hold on the public is enormous. I have pointed out that even in a municipal election only 6 Congressmen were returned as against 9 non-Congressmen. Lastly, let me invite the attention of the House to the most significant bye-election which took place in the urban constituency of Amritsar. The honourable members are aware that the Punjab Provincial Congress Committee set up Dr. Saif-ud-Din Kitchlew as a candidate for this constituency. Now in spite of the fact that the venerable Doctor was himself the president of the provincial congress committee, he sustained a crushing defeat and his opponent—a Unionist candidate—was elected with a thumping majority. The frantic efforts which the Congress put forth proved abortive.

[Minister for Development.]

With these facts in front of them I am sure my honourable friends will not have the audacity to suggest that the rising tide of the Congress has swept over the whole province. (*Cheers*).

Minister of Public Works (The Honourable Major Malik Khizar Hayat Khan Tiwana): Sir, the criticism levelled against the Government proposal falls under three heads. Firstly, on account of the War, secondly, on account of political motives imputed to Government and thirdly local reasons. No. 1, that is the criticism levelled on account of the War, has been amply replied to by the Honourable Premier. It was then said that it was perhaps for political considerations and fear of spread of Congress that we had postponed elections. This point has also been refuted by the Honourable Minister of Development. So, I have to confine myself mostly to local reasons and I would like to commence first by reading the Government order on the subject. We have, by a circular letter, postponed the elections of local bodies that fall due up to the 1st of July, 1940, for one year. That is, all those elections that fall due up to that date have been postponed for one year. The position is to be reviewed after that.

Sardar Hari Singh: Under what law?

Minister: I am coming to that. As far as the legal status of this order is concerned, nobody has questioned it and I am safe in stating that the order of the Government is perfectly valid and legal. As to the merits, the two main objections have already, as I said, been replied to.

The Government had been considering for some time as to what should normally be the lease of life of these local bodies. As you are aware, previously the local legislature as well as these local bodies used to be in existence for a period of three years. The life of the Assembly has been extended to five years. There is considerable public opinion on the subject that has been insisting that the life of these local bodies should also be extended to five years mostly for economic reasons so that unnecessary expenditure may not be frittered away on elections and, secondly, that lease of life might be given to the party in power to achieve something really useful. If the life of a local body is three years, what happens is this: One year is election year and last year is also the election year when the members have to go out. Government has not come to any decision on that subject and the

6 p.m. matter is yet engaging our attention. Under these circumstances an additional factor came along and the war was declared in September last. That was a very important event which made us reconsider the whole matter. There were certain elections pending in local bodies. I would mention the case of Kangra and that of Hoshiarpur which unfortunately led to excited speeches and consequent prosecutions creating unpleasantness known in this House and outside. It is well known that when an election is taking place, people temporarily lose their control and temper and in the heat of the moment to win over votes, they sometimes say things that should not be said. In normal times the persons, who deliver indiscreet speeches against the law can be treated gently and leniently and no action may be taken. But when under emergent

circumstances and when the war is on, they utter certain things against recruitment or prosecution of war, the Defence of India Act, which is a Central measure, must have its course. So the result has been prosecution as is well known to the honourable members opposite. That was another important consideration that made us review the whole matter. If we persist in these elections, it may lead to a large number of prosecutions, perhaps, of honourable members opposite, and we do not like that that should come about. What have we done? We have only given one year's extra lease of life to these local bodies. It does not mean that democracy has been killed or that the local bodies cease to exist. They are there. We have under other circumstances and on account of war and for other particular reasons extended the lease of life of these local bodies. In this case we have given one year. What will be the result? Instead of local bodies remaining in existence for 8 years, they will continue for 4 years. This would not in any way affect the people. Those very elected representatives of the people will continue for another year. As the Honourable Premier said, we had run the last Council for double the time of its normal life. There is the existing Central Legislature. It has run twice the period that it should ordinarily have had. (*An honourable member*: For other reasons). I am saying that they are far inferior to those that weigh with the Government when considering this matter. (*Hear, hear*). I was saying that this does not in any way affect the local bodies. They continue to function according to the wishes of those who have been elected. Possibly some of those gentlemen may be re-elected, others may not. The political trend shows, as an honourable member said, that the tide is fast ebbing and God knows where it will stop. During this period there was another reason which has weighed with the Government. As is well known, the wards of these local bodies are far from satisfactory. If an illustration of that is needed, the Assembly questions also prove that there is a considerable dissatisfaction over the wards. So, the extension of one year will also be utilised for setting the wards in order wherever it is necessary. The local bodies themselves have also made a request to the Government in this respect. It has been said that the war has no concern with local body elections. It has a very direct concern, as has been pointed out. The saving of expenditure can be diverted to the prosecution of the war and the time to be spent in useless electioneering propaganda can be spent on something constructive and on preparing the country for the danger that may come in the near future. Some of the honourable members here think that because there is a huge sea between India and the Western Front, therefore, there is no danger of war here. They forget that there is a huge sea between France, Germany and Canada. One of the honourable members also cited the instance of Canada. There the issue was totally different. They wanted to prosecute the war more vigorously and it was in order to settle that issue that they had gone to the polls and not over an issue like ours where only the question of local bodies is concerned. It has been said that there is no danger here. The Frontier instance has already been cited and at present when we have got peaceful Afghanistan, there is no Russian menace and there is no danger. But if it materialises, then it may be imagined what would be the state of affairs here. The recent tribal raids were made only up to Isakhel. If we get those raids up to Sialkot, then what would be the position? I am sure my

[Minister of Public Works.]

honourable friend would not like us to do that. We have to forestall things and look after the defence of our country. After all democratic local bodies can only function in a tranquil state. Suppose an upheaval takes place what would be the fate of such democratic institutions? What is happening in Finland? What has happened in Poland? This Government has declared unequivocally to co-operate with the allies to the extent of saving their own province and their own country. What is the situation of our province? It lies on the road to any invasion that might take place at any time. We are seriously in trouble and it is for that reason that this House agreed with an overwhelming majority to lend their support in the prosecution of the war. What I want to emphasise is that the honourable member from Sialkot said that it was no war to which every energy should be diverted. This House, as a representative of the public, has laid down a policy that no effort should be spared for the prosecution of the war; otherwise, why did you come to that decision? (*An honourable member: Where is the war?*) The war is not at your doors. Would you like it? If it comes God knows what will happen to the honourable members opposite. They are practically at peace now. (*Interruption*). There has been an agreement between the leaders of the two Congress groups and they have declared peace, I do not know whether it is going to be a lasting one. (*Chaudhri Krishna Gopal Dutt: Equally true*). You should throw stones at others but not in your own cap. I was saying that with that mandate from the representatives of the people, the Government has decided to help in the prosecution of the war. On account of the present state of affairs and the geographical and political situation of this province, it is incumbent on every Punjabi instead of diverting his energy on anything else, to divert and concentrate his energy on the war. The war is nearer and unless we take proper action it might burst any moment and then it may be the most dangerous period. We should believe in prevention instead of waiting for the malady to come to our doors. If it comes, God knows what may happen then. We should concentrate our energies on the war and should take preventive measures so that democracy may flourish and peace may continue in the best interests of the public.

Now I may refer to one or two cases specifically mentioned. One was a reference to a particular case at Lyallpur where a particular gentleman is alleged to have incurred a disqualification which was removed. I do not remember any such case and unless the honourable member had gone into the details it is not possible for me to reply offhand. He was pleased to refer to Multan District Board. What happened in the Multan District Board? It was no fault of the Government. As a matter of fact, we have made a sacrifice in that connection. The district board had a perfect right to choose an official or non-official Chairman as it deemed best. At one time they had an official Chairman. Then they decided to have a non-official Chairman. Later on they decided to revert back to an official Chairman. The party is pledged to democracy and we have to carry out the mandate of the people's representatives. A member of this party was ousted unfortunately. That case shows how genuinely we are working whenever the elected representatives of the people decide (*Interruptions*). I find that Diwan Chaman Lall has left the House. He was pleased to describe the Premier's

speech as a sermon and a diversion. In this connection he quoted Great Britain. Anybody who has to guide a nation has to give a sermon, but in no case was it a diversion. Those people who have to guide the people have to give sermons in order to come to a conclusion which is in the best interests of the country at large. He said that there bye-elections were taking place. To the best of my information bye-elections have not been decided upon. In one case there was a bye-election but even there the gentleman who was seeking election did not get the support of the party. But there is a difference between the two cases. In England when there is a national emergency the Government and the Opposition combine and the interests of the country are given the first consideration and they do not aim merely on scoring a point. As soon as war is declared the different political parties merge into one and the nation's interests are the only consideration. Here, I am afraid, we have got an Opposition that sometimes take even advantage of a dire calamity like the war. There the position is different. It was asked why such bye-elections should be allowed to proceed in an emergency. The Government of India Act lays down that there can be no postponement of fresh elections taking place. The same law might necessitate general elections in this country and in our own province before long. If that comes about there is a law which we cannot alter at this stage. We were well advised in extending the period of these local bodies for one year. All the arguments that have been advanced have not convinced me that the action has been ill-advised or hasty or in any way objectionable. It was asked why we should not have secret sessions. A secret session might be necessary where there is a danger of information leaking out, but in a local body where is the necessity for a secret session? They deal with local problems and there is no question of a secret session.

Then the Congress policy was brought in. Well the Congress policy is apparently all right under the present circumstances. It is a policy. in short, of inaction. It is all right as long as the British bayonets are guarding the frontiers and there is an Indian Army. If anything happens here, what will be the condition? They will be preaching some doctrine, but I would only say, let us not wait for that day. If you have to put forward any theory, let it be put in an experimental measure or at a laboratory stage in respect of the North-West Frontier Province tribes. If it succeeds, then we might have confidence in it and if it does not succeed, then you cannot stake the future of the nation. We are told that democracy will flourish if there is no co-operation with the British. Will it flourish? It will disappear. Great Britain defends your country. You cannot manufacture guns and rifles and at present you depend upon importing guns and rifles. (A voice: Who is to blame?) I do not apportion blame. These are the circumstances which exist today. In these circumstances when we cannot manufacture our armaments, if you do not co-operate with Great Britain, you do not know what will happen. That is what the Unionist Government has decided and we are putting forward every effort. If anything happens people who are landed proprietors may suffer. But the land will remain there. It might be claimed by the same owner or go to the tribe. But what about the jewels and the industries of the honourable members who say that there should be no support for Great Britain?

Sardar Sampuran Singh: Are there any left in the country?

Minister for Public Works : Where have they gone ?

Minister for Development : *yahin kahin darhi men phanse honge.* (They must be involved somewhere in the beard).

Sardar Sampuran Singh : On a point of order. The honourable Minister for Development has made some insulting remarks. He should withdraw those remarks and apologise.

Minister : I am very sorry I have given offence to my friend. I did not make those remarks seriously : I was under the impression that he had some sense of humour, but I find I was wrong.

Minister for Public Works : I was only saying that an unfortunate state of affairs may not come about. I do not know what wealth is left in India, but whatever is left would be in jeopardy, not only the wealth but the honour of the whole country is at stake. If that state of affairs ever materialised, what would be the position of the wealthy magnates ? They will be flying for their lives and instead of asking for Dominion Status they will be asking the Britishers to come back and protect them. We do not want that. We aim at real democracy and real independence, not the sort of independence where some foreigners might be keeping permanent link and minorities or some others might be the aim of certain policy. What we want is protection.

An Honourable Member : Who are the British ? Are they not foreigners ? You want to keep them here.

Minister : In reality why we have decided to co-operate with the Allies is in the best interests of the Punjab, and it is in that connection that we have taken this action, and I hope that action will find full support of the House.

Chaudhri Krishna Gopal Dutt (Urdu) : Mr. Deputy Speaker, I do not propose to take much time of the House. What I want to say is that just as in war different kinds of mechanised weapons are used by the belligerents, similarly the Honourable Premier resorts to various wordy weapons in the course of discussions and deliberations. When he has got no argument, his weapons are taunting remarks, offensive expressions and insulting words. It is a pity that when the Honourable Sir Sikander-Hyat Khan, who is generally considered to be a cool-headed and sane-minded person, rises to make a speech on the floor of the House, he bids farewell to all sense and logic. (*Interruption*). I have very carefully heard his puerile speech to-day, but I am prepared to confess that it has not surprised me in the least, because I know that it is his habit that when he fails to find any argument in his favour he sets out to hurl abuses at his opponents like a mad man. (*Loud Uproar*).

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : On a point of order The Honourable member must withdraw those words. Is the expression "a mad man" parliamentary ?

Mr. Deputy Speaker : I would request the honourable member not to use such offensive expressions.

Chaudhri Krishna Gopal Dutt : It is not offensive ; it is not un-parliamentary. (Shouts of "withdraw, withdraw".)

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : I want a ruling from you, Sir. My point of order is still there.

Chaudhri Krishna Gopal Dutt : I am not going to be shouted down like that. Sir Sikander had used offensive words for me and the shouting members did not object to them and now his henchmen are objecting to my using them.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : Sir, he is adding insult to injury. Why does he call the honourable members henchmen ? He must withdraw those expressions. (*Shouts of "withdraw".*)

Chaudhri Krishna Gopal Dutt : The honourable members including the Ministers are trying to bully me.

Mr. Deputy Speaker : Order, order.

Khan Bahadur Maulvi Ghulam Mohy-ud-Din : My point of order still stands.

Mr. Deputy Speaker : I would request the honourable members not to make a noise.

Chaudhri Krishna Gopal Dutt : The Ministers stand self-condemned.

Mr. Deputy Speaker : Order, order. No conversation, please.

Chaudhri Krishna Gopal Dutt : Anyway what I meant to say is that the whole of the speech made by the Premier was a medley of irrelevancies. And it is a fact that he has miserably failed to make out his case. He could not offer any justification for the postponement of the elections to the local bodies. The speech which he made on the War Resolution was no more than chirping of a *chooza* (*laughter*).

Premier : My honourable friend has again misunderstood me. I never used the word *chooza*. I said *chooz*. He is thinking of *chooza* which comes out of an *anda* (*laughter*).

Chaudhri Krishna Gopal Dutt : It is very clever of you to say that now.

The Honourable Minister for Public Works, whose speech was free from any offensive remarks, tried to discuss the question in a cool manner. He was pleased to cite an example of the Central Assembly and said that its general elections had been postponed. I do submit that the same undemocratic reasons underlie the postponement of the general elections of the local bodies in the Punjab. As the Government of India have extended the life of the Central Assembly for reasons which I must say are undemocratic and detrimental to India's cause, the Punjab Government have also followed suit in case of local bodies for similar reasons.

Now I may be permitted to say a few words in regard to the present war. Much has been said about it by the Honourable Minister in charge. But may I tell him that the war is neither at his door nor is it being fought by his kith and kin ? I am, therefore, unable to understand what district boards have to do with the war. The members of the district boards are not going to fight in this war. Are they ? The Honourable Ministers are making much of the war, but what are they themselves doing for it ? I do not claim

[Ch. Krishna Gopal Dutt.]

to be a poet. However I have just composed a couplet which, I think, aptly applies to the present ministry which evades our every proposal on the pretext of war.

خضر۔۔۔ کندر۔۔۔ ہلی۔۔۔ چہ تو کو جنگ درپ میں بھیج دینا
ہزاروں جانیں تلف کریں گے یہ نور منوگار چلا چلا کر
(Laughter).

One word more and I have done. The Honourable Minister, Chaudhri Sir Chhotu Ram, was pleased to quote some facts and figures in connection with the elections of district boards, but he did not quote a single instance of the result of elections of a municipal committee. I would also submit that some of the figures quoted by him about district boards were incorrect. With these words Sir, I strongly press my adjournment motion.

Diwan Chaman Lall : On a point of order. Is it a fact that this debate to-day has revealed the truth of the proposition laid down by you the other day that the rules of relevancy are elastic? (Laughter).

Mr. Deputy Speaker : The question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes, 22, Noes 49.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Dev Raj Sethi, Mr.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kartar Singh, Sardar.
Krishna Gopal Dutt, Chaudhri.
Lal Singh, Sardar.
Mazhar Ali Azhar, Maulvi.

Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Iftikhar-ud-Din, Mian.
Partab Singh, Sardar.
Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Sampuran Singh, Sardar.
Sant Ram Seth, Dr.
Shri Ram Sharma, Pandit.
Sohan Singh Josh, Sardar.
Sardarshan, Seth.

NOES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Chhotu Ram, The Honourable
Chaudhri Sir.
Faiz Muhammad Khan, Rai.

Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
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.

Hans Raj, Bhagat.

Harnam Singh, Captain Sodhi.

Indar Singh, Sardar.

Jagjit Singh, Man, Sardar.

Khizar Hayat Khan Tiwana, The
Honourable Major Nawabzada
Malik.

Kishan Das, Seth.

Manohar Lal, The Honourable Mr.

Mubarik Ali Shah, Sayed.

Muhammad Akram Khan, Khan
Bahadur Raja.

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 Nawaz Khan, Major
Sardar Sir.

Muhammad Qasim, Chaudhri.

Muhammad Sarfaraz Khan, Raja.

Mushtaq Ahmad Gurmami, Khan
Bahadur Mian.

Muzaffer Khan, Khan Bahadur
Captain Malik.

Nazir-ud-Din, Chaudhri.

Nasrullah Khan, Rana.

Nawazish Ali Shah, Sayed.

Pir Muhammad, Khan Sahib Chau-
dhri.

Pritam Singh Siddhu, Sardar.

Ranpat Singh, Chaudhri.

Sadiq Hassan, Shaikh.

Shahadat Khan, Khan Sahib Rai.

Shah Nawaz, Mrs. J. A.

Singha, Diwan Bahadur S. P.

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 12 noon on Thursday, 22nd February,
1940.*

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Thursday, 22nd February, 1940.

The Assembly met in the Assembly Chamber at 12 noon of the clock. As there was no quorum, the Assembly adjourned for 10 minutes and re-assembled at 12-10 p. m. Mr. Speaker in the Chair.

QUESTION HOUR.

Diwan Chaman Lall : May I, with your permission, suggest that the question hour may be counted from now on according to rule 26 which says "....., the first hour of every sitting, after the swearing in of members if any, shall be available for oral answers to questions." So these ten minutes may not be counted against the question hour.

Mr. Speaker : This point can be raised after fifty minutes have passed. If nobody objects then the questions may go on for ten minutes more.

STARRED QUESTIONS AND ANSWERS.

NEW BY-LAWS OF DISTRICT BOARD, LUDHIANA.

***5817. Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state whether the draft of the new by-laws of the District Board, Ludhiana, recently prepared with the approval of the official Chairman of the said Board, has so far been submitted to Government for its sanction, and, if so, whether Government has accorded the necessary sanction?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Government have received no reference recently in respect of any new rules or regulations made by the District Board of Ludhiana.

Chaudhri Muhammad Hasan : Is formal sanction of the Government required in the case of new by-laws?

Parliamentary Secretary : I would invite the honourable member's attention to the District Board Act.

Chaudhri Muhammad Hasan : There it is not laid down that the district board is competent to adopt the by-laws without the sanction of the Government.

Parliamentary Secretary : Naturally no by-laws will come to the Government for approval if there is no provision.

EXECUTIVE OFFICER OF LUDHIANA MUNICIPAL COMMITTEE.

***5836. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

(a) the total annual income of the Ludhiana Municipal Committee for each of the years 1937-38 and 1938-39;

[Ch. Muhammad Hasan.]

- (b) whether in any other Municipal Committee, with the same annual income, the executive officer is drawing as much salary as the one in Ludhiana ;
- (c) whether it is a fact that in February, 1938, in a meeting of the said Municipal Committee Khawaja Muhammad Azam and one other Municipal Commissioner made complaints of incompetence, waste of public funds and indiscipline against him ;
- (d) whether it is a fact that the Honourable Minister, in reply to a question in the last session, said that the Government was considering the question of his transfer from Ludhiana on account of the small income of the Municipality ;
- (e) if reply to the above be in the affirmative, how long the matter in question will remain under consideration of the Government and the reasons for delay in arriving at a decision in this matter ?

Parliamentary Secretary (Shaikh Faiz Muhammad) :

					Rs.
(a)	1937-38	..	..	..	8,29,663
	1938-39	..	..	..	8,38,965

(b) There is no other municipality in the Punjab with an income of about Rs. 3 lakhs, where an executive officer has been appointed.

(c) This may be a fact ; but there is no mention of it in the book containing the proceedings of the meetings.

(d) No.

(e) Does not arise.

Chaudhri Muhammad Hasan : Did the executive officer complain about certain attacks being made upon him by certain members about the waste of public funds in the Municipal Committee ? Did he complain or not ?

Parliamentary Secretary : Not to my knowledge.

Chaudhri Muhammad Hasan : What are the reasons for retaining this officer when the Honourable Minister of Public Works was pleased to state that his salary was too big and therefore he was considering that he should be transferred ?

Parliamentary Secretary : When did the Honourable Minister state that his salary was too big for the Committee to bear ?

Chaudhri Muhammad Hasan : What is his salary ?

Parliamentary Secretary : I will let the honourable member know if notice is given.

Chaudhri Muhammad Hasan : Does he know that this officer is drawing Rs. 1,100 ?

Parliamentary Secretary : If the honourable member will give fresh notice, I will find out the exact salary.

Chaudhri Muhammad Hasan : At the time of ascertaining the income did the executive officer himself suggest to the Government that an officer of smaller salary should be substituted for him ?

Parliamentary Secretary : I want notice for this new question.

CARNIVALS.

***5865. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number of carnivals or similar entertainments operating at present in the various big towns of the province ;
- (b) the number of such entertainments or *Tamashas* arranged and organized in the Rawalpindi town during the year 1939 ;
- (c) whether it is a fact that gambling is openly and unrestrictedly carried on in such *Tamashas* with the connivance of the police badly affecting the economic life of the poor who easily fall prey to such attractions and the organizing cheats ;
- (d) if the reply to (c) above be in the affirmative, the action the Government propose to take in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) When figures were collected recently only one such show was functioning in Lahore. A few weeks earlier there had been three other ; one in Ambala City, one in Jhelum and one in Rawalpindi.

(b) In addition to the show mentioned above, a so-called American Carnival was in Rawalpindi Cantonment in January and February last year.

(c) No.

(d) A reference is invited to the reply given to Question *1834¹ put by the honourable member for the South Eastern Towns (General) Urban Constituency in the 1938 spring session.

Lala Duni Chand : Is it true that it is mostly the people from villages who, when visiting towns, fall a prey to these open swindling dens called the carnivals ?

Parliamentary Secretary : If there is open swindling at any time it should be brought to the notice of the district authorities with the request that it should be put a stop to.

Lala Duni Chand : Has this fact not come to the notice of the Government up to this time ?

Parliamentary Secretary : The Government cannot put a stop to ordinary games of skill but whenever it is brought to the notice of the local authorities that games of chance or gambling in any form are going on in some of the carnivals, the authorities would put a stop to them.

Lala Duni Chand : The Government knows nothing. It is all gambling that is going on in the carnivals.

Parliamentary Secretary : Not in all the carnivals.

Lala Duni Chand : Has the Government got the will to stop that ?

Parliamentary Secretary : Certainly the Government stops gambling if it goes on in these carnivals but the Government do not wish to interfere in amusements of the people.

Lala Duni Chand : May I know if the Parliamentary Secretary knows anything about the games of skill referred to in his reply ?

Parliamentary Secretary : Unfortunately or fortunately I am not in the habit of visiting these carnivals.

Mian Sultan Mahmud Hotiana : Will the Parliamentary Secretary please state if he has ever had a chance during the whole of his life to visit a carnival show ?

Pandit Shri Ram Sharma : Will the Parliamentary Secretary please state the difference between gambling and a game of skill ?

Mr. Speaker : Disallowed.

Lala Duni Chand : Is it not true that repeatedly a cry has come from every place where these carnivals are being run that the people are being cheated and swindled.

Parliamentary Secretary : Not in every case. The report that we have received from Rawalpindi shows that in one carnival there has been no complaint at all. In Jhelum there was a complaint in the case of one carnival and the Government put a stop to it.

Lala Duni Chand : May I know if the information received shows that it is a beneficent institution ?

Parliamentary Secretary : There is no question whether carnivals are a beneficent or beneficial institutions. They provide amusement and recreation.

Lala Duni Chand : I said " beneficent institution ".

Diwan Chaman Lall : There is a good deal of difference between ' beneficial ' and ' beneficent '.

CRIMINAL CASES IN JHANG AND LYALLPUR DISTRICTS.

*5880. **Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state the number of criminal cases challaned by the police in 1937 and 1938 respectively, in the districts of Jhang and Lyallpur and the number of these cases out of them which resulted in conviction ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : A statement is laid on the table :—

District.					Number of cases sent for trial.	Number of cases resulting in conviction.
1937.						
Jhang	..	..	..	..	399	282
Lyallpur	..	..	..	..	832	603
1938.						
Jhang	..	..	..	..	449	275
Lyallpur	..	..	..	..	973	631

**CHIEF AND SUPERINTENDING ENGINEERS IN BUILDINGS AND
ROADS BRANCH OF THE PUBLIC WORKS DEPARTMENT.**

***5883. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state the sanctioned strength of the Chief Engineers and Superintending Engineers in the Buildings and Roads Branch of the Public Works Department in 1933, 1937 and 1938 and the number of officers who actually drew, as permanent or temporary incumbents, the pay of the post of the Chief Engineers and Superintending Engineers in the years stated above?

Parliamentary Secretary (Shaikh Faiz Muhammad) : The sanctioned strength of the posts of Chief Engineer and Superintending Engineers in 1933, 1937 and 1938 is as follows :—

<i>Years.</i>	<i>Sanctioned strength.</i>
1933	Chief Engineer 1 post. Superintending Engineer 3 posts.
1937 and 1938	Chief Engineer 1 post. Superintending Engineer 3 posts (permanent). Superintending Engineer 1 post (temporary).

The number of officers who actually drew as permanent or temporary incumbents the pay of the post of the Chief Engineers and Superintending Engineers in the years stated above is as follows :—

<i>Year.</i>	<i>Number of officers.</i>
1933	Chief Engineer 1 officer in permanent capacity. Chief Engineer 1 officer in officiating capacity. Superintending Engineers 4 officers in permanent capacity. Superintending Engineer 1 officer in officiating capacity.
1937	Chief Engineer 1 officer in permanent capacity. Chief Engineer 1 officer in officiating capacity. Superintending Engineers 2 officers in permanent capacity. Superintending Engineers 5 officers in officiating capacity.
1938	Chief Engineer 1 officer in permanent capacity. Chief Engineer 1 officer in officiating capacity. Superintending Engineers 3 officers in permanent capacity. Superintending Engineer 1 officer in officiating capacity.

**MURDERS AND DACOITIES COMMITTED IN THE DISTRICTS OF
JHANG AND LYALLPUR.**

***5905. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state:—

- the number of murders and dacoities committed in the districts of Jhang and Lyallpur, from 1st April, 1937, to 31st July, 1939, year-wise;
- how many of these cases remained untraced, with the reasons for which these cases remained untraced;
- the findings of the courts in the cases of murders and dacoities which were challaned by the police (and the period for which the police inquiry and the trial of each case lasted);
- the names of the police stations in the districts of Jhang and Lyallpur in the jurisdiction of which the number of murders and dacoities increased during this period, with the reasons for this increase?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a), (b) and (c). A statement is laid on the table. The honourable member will surely not expect me to give the facts of the untraced cases or explain why the investigating officers could not obtain evidence. He must also excuse me from giving figures regarding the duration of the police investigations and the trials—a task which would entail considerable labour and expense.

(d) In Lyallpur the figures do not show any such increase as to call for comment. The same is the case in regard to dacoities in Jhang. So far as murders in the latter district are concerned, the following police stations show increases :—

Jhang Sadr.

Shorkot.

Chiniot.

Lalian.

Kotwali Maghiana.

Bhowana.

The main reason is believed to be an influx of Pathan labourers into the district. Blood feuds and faction feeling also account for part of the increase.

Lala Duni Chand : May I know if these two districts have won the race as compared with the number of dacoities and murders committed in my district ?

Parliamentary Secretary : I have not compared the figures.
Statement.

	Murders.	Dacoities.
(a).		
<i>Lyallpur District.</i>		
1st April, 1937, to 31st December, 1937 ..	41	1
1st January, 1938, to 31st December, 1938 ..	41	1
1st January, 1939, to 31st July, 1939 ..	26	1
<i>Jhang District.</i>		
1st April, 1937, to 31st December, 1937 ..	19	—
1st January, 1938, to 31st December, 1938 ..	23	3
1st January, 1939, to 31st July, 1939 ..	16	—
(b).		
<i>Lyallpur District.</i>		
1st April, 1937, to 31st December, 1937 ..	9	—
1st January, 1938, to 31st December, 1938 ..	12	—
1st January, 1939, to 31st July, 1939 ..	8	1
<i>Jhang District.</i>		
1st April, 1937, to 31st December, 1937 ..	2	—
1st January, 1938, to 31st December, 1938 ..	6	1
1st January, 1939, to 31st July, 1939 ..	3	—

	Cases sent for trial.	Cases resulting in the conviction of one or more of the accused.	Cases resulting in the discharge or acquittal of all the accused.	Pending in court.
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Murders, Lyallpur District.

1st April, 1937, to 31st December, 1937	32	13	19	—
1st January, 1938, to 31st December, 1938.	29	7	22	..
1st January, 1939, to 31st July, 1939	18	3	13	2

Murders, Jhang District.

1st April, 1937, to 31st December, 1937	17	6	11	..
1st January, 1938, to 31st December, 1938.	17	7	10	..
1st January, 1939, to 31st July, 1939	13	1	7	5.

Dacoities, Lyallpur District.

1st April, 1937, to 31st December, 1937	1	..	1	..
1st January, 1938, to 31st December, 1938.	1	1	..	..
1st January, 1939, to 31st July, 1939	..	..	..	..

Dacoities, Jhang District.

1st April, 1937, to 31st December, 1937	..	..	..	..
1st January, 1938, to 31st December, 1938.	2	1	1	..
1st January, 1939, to 31st July, 1939	..	..	..	..

**EXTENSION OF FRANCHISE AND ABOLITION OF NOMINATIONS IN
LUDHIANA MUNICIPALITY.**

***5913. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether he received a copy of a resolution adopted by the Ludhiana Municipality concerning the extension of franchise and system of electorate and abolition of nominations in their meeting held on 7th November, 1939 ; if so, what action does he propose to take in the matter ?

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

Chaudhri Muhammad Hasan : Has the Government considered and given effect to the resolution passed by a majority of the members of the Ludhiana Municipality ?

Parliamentary Secretary : The Government will consider all the aspects of the question.

Chaudhri Muhammad Hasan : Since how long has it been under consideration of Government ?

Mr. Speaker : I disallow the question.

Chaudhri Muhammad Hasan : In this particular case the resolution is under consideration of the Government. It is not a question of collecting any information.

**COLLISIONS BETWEEN THE DIESEL RAIL CARS AND MOTOR BUSES
AT MOGA AND DASUYA.**

***5946. Pandit Muni Lal Kalia :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether the Government is aware of the serious collisions between the Diesel Rail Cars and Motor Buses that took place at Moga and Dasuya on 28th and 29th October, 1939, respectively ;
- (b) the total loss of life in the two accidents, the names and addresses of the dead and the injured ;
- (c) whether the Punjab Government has received any report as to the cause of these accidents and whether any steps have been taken to prevent recurrence of such unfortunate incidents ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) Yes. (Both cases occurred on the 28th October.)

(b) In the accident near Moga the number of persons killed, including those who died subsequently, was nine ; in the Dasuya case two. A list is laid on the table giving particulars of the dead and injured.

(c) The Moga case was made the subject of a magisterial inquiry under section 176 of the Code of Criminal Procedure, as well as an investigation by the Senior Government Inspector of Railways. A case was also registered by the Government Railway Police, but after investigation it was decided that there was no material on which to send any of the persons concerned for trial. (The driver of the bus was among the killed). In the other case, the Dasuya case an arrest has been made and the matter will shortly be before the courts, if indeed it is not already. The honourable member will excuse me from saying more.

Sardar Hari Singh : May I know if the Government has taken steps to secure compensation to the dependents of those killed ?

Parliamentary Secretary : The question of compensation does not arise.

Diwan Chaman Lall : Has any other action been taken to secure compensation ?

Parliamentary Secretary : In one case the driver was found to be guilty and in the other case, the matter has been sent to a court and unless the court decides as to which side is at fault, the question of compensation cannot arise.

Diwan Chaman Lal : May I ask whether it is not a fact that in such cases, the railway authorities themselves take the matter in their own hands without waiting for a formal report from a court of law? Is it a fact that the railway authority has been approached by the Government in regard to this matter?

Parliamentary Secretary : I require notice for that question.

CASUALTIES IN THE ACCIDENT NEAR MOGA.

Dead.

1. Harnam Singh, son of Natha Singh, Jat Sikh, 40 years, of village Boada in Thana Nihal Singhwala, Tehsil Moga, district Ferozepore.
2. Sant Ram, son of Buta Ram, Brahmin, 70 years, of Badhni Kalan, Thana Nihal Singhwala, Tehsil Moga, district Ferozepore.
3. Wasakha Singh, son of Bhup Singh, Jat Sikh, 47 years, of Machhike, Thana Nihal Singhwala, Tehsil Moga, district Ferozepore.
4. Bhajjan Ram, son of Lahar Dass, Bawa Sadh, Lorry Driver, 22 years, of Moga Mehla Singh, Tehsil Moga, district Ferozepore.
5. Bachhitar Singh, son of Durbara Singh, Jat Sikh, 1½ years, of Malke, Thana Baghapurana, Tehsil Moga, district Ferozepore.
6. Gurdit Singh, son of Wazir Singh, Jat Sikh of Manewala, Thana Ghall Khurd, Tehsil and district Ferozepore.
7. Sohan Singh, son of Bahadur Singh, 40 years, Jat Sikh, of Chak Sitala No. 277-R. B., District Lyallpur.
8. Santa Singh, son of Gurdit Singh, Jat Sikh, 55 years, Nangal, Thana Nihal Singhwala, Tehsil Moga, district Ferozepore.
9. Mussammat Mahan Kaur, wife of Battan Singh, Jat Sikh, 60 years, of Dewana, Thana Bhadaur, Patiala State.

Injured.

1. Fazal Muhammad, son of Karam Illahi, 22 years, of Moga Nahla Singh.
2. Lal Chand, son of Radha Ram, Shopkeeper, 25 years, of Buttar, Tehsil Moga.
3. Child of Lal Chand, 3½ years old, of Buttar, Tehsil Moga.
4. Amolak Ram, son of Shiv Dayal Mall, 25 years, Shopkeeper of Zira, district Ferozepore.
5. Mussammat Channan Devi, wife of Amolak Ram, 20 years, of Zira.
6. Babu Singh, son of Bela Singh, Jat Sikh, 55 years, of Gahal, Thana Bhadaur, Patiala State.
7. Jita Singh, son of Harnam Singh, Jat Sikh, 13 years, of Baudha, Thana Nihal Singhwala Tehsil Moga, district Ferozepore.
8. Mussammat Bhago, wife of Ganga Singh, Jat Sikh, 50 years, of Malke, Thana Baghapurana, Tehsil Moga, district Ferozepore.
9. Mussammat Harnam Kaur alias Kartar Kaur, widow of Ajit Singh, Jat Sikh, 30 years, of Ghall Kalan, Thana Moga, district Ferozepore.
10. Mussammat Mukhtiar Kaur, widow of Sohan Singh, Jat Sikh, 20 years, of Chak Sitala No. 277-R. B., District Lyallpur.
11. Baldev, son of Sohan Singh, 2½ years, of Chak Sitala, No. 277-R. B., District Lyallpur.
12. Mussammat Bhagwant Kaur, wife of Sewa Singh, Jat Sikh, 35 years, Head Mistress, District Board Girls Primary School, Buttar, Moga Tehsil.
13. Mussammat Dhan Kaur, wife of Sardara Singh, tailor, Tank Chhatari, 34 years, of Buttar, Mistress, Girls School, Badhni Kalan, Tehsil Moga.
14. Bishan Singh, son of Vir Singh, caste Tailor, Tank Chhatari, 62 years, of Buttar, Thana Mehna, Tehsil Moga, district Ferozepore.
15. A child whose name and address is not known.

CASUALTIES IN THE ACCIDENT NEAR DASUYA.

Dead.

1. Hazara Singh, son of Phuman Singh, Ramgarhia of village Bangalipur, Tehsil Dasuya, district Hoshiarpur.
2. Ram Parkash, son of Ram Chand, Brahman of Dasuya.

Injured.

1. Amar Singh, son of Phuman Singh, Ramgarhia of village Bangalipur.
2. Malkiat Singh, son of Lachhman Singh, Jat of Kalowal.
3. Jaawant Singh, son of Iehar Singh, Jat of Kalowal.

LOSS OF LIFE DUE TO UNFENCED RAILWAY LINES AND UNMANNED LEVEL CROSSINGS.

***5961. Pandit Muni Lal Kalia :** Will the Honourable Minister of Public Works be pleased to state whether it is a fact that loss of life has considerably increased during the last few years as a result of the fact that almost all the railway lines passing throughout the length and breadth of the province are unfenced, the fencing wire that used to exist along side the main lines has also been removed at several places and that the majority of the level crossings provided by the railway authorities are unmanned; if so, whether the Government has taken any steps to move the Government of India or the North-Western Railway authorities to provide fencing to the different sections of the North-Western Railway lines and for manning the level crossings thereof?

Parliamentary Secretary (Shaikh Faiz Muhammad) : I place on the table a statement showing for the whole of the North-Western Railway, which extends beyond the Punjab, the number of persons killed during each of the last five years while trespassing and while passing over level crossings. It will be seen that loss of life has been fairly constant. It will also be seen from the statement that the number of persons killed while passing over level crossings is small and has no relation to the provision of gate-keepers at level crossings.

The statement does not include figures relating to accidents in which motor buses or lorries have been involved. All important level crossings have been provided with gates and are manned and it would be incorrect to say that the majority of level crossings are unmanned.

A large proportion of the number of persons killed while trespassing is due to the unfortunate tendency of people to use the Railway track as a foot-path. Due to extensive pilfering and breaking down of the fencing it was decided by the Railway Department to abandon the maintenance of fencing except in suburbs, industrial areas and the immediate neighbourhood of important level crossings.

In the circumstances the point raised in the latter part of the question does not arise.

Statement showing for the whole of the North-Western Railway the number of persons killed during the years 1984-85 to 1938-39 while trespassing and while passing over level crossings.

Year.	Killed while trespassing.	Killed while passing over level crossings.
1934-35	258	..
1935-36	242	3
1936-37	246	5
1937-38	254	5
1938-39	270	1

CONVERSION OF NOTIFIED AREA COMMITTEE, CHICHAWATNI,
INTO 2ND CLASS MUNICIPAL COMMITTEE.

***5969. Dr. Gopi Chand Bhargava :** Will the Honourable Minister of Public Works be pleased to state—

- the population of Chichawatni, the income and tax *per capita* of the Notified Area Committee, Chichawatni, in district Montgomery ;
- whether it is a fact that there are towns in the province which have a population less or equal to that of Chichawatni and where 2nd class municipal committees exist with an income less or equal to that of the Notified Area Committee, Chichawatni ; if so, the reasons why the said Notified Area Committee has not so far been raised to the status of a 2nd class municipal committee ?

Parliamentary Secretary (Shaikh Faiz Muhammad) :

(a) Population	4,887
Income, Rs.	86,794
Tax <i>per capita</i> , Rs.	8-8-0

(b) The answer to the first part is in the affirmative. As regards the second part Government are not convinced of the advisability of setting up a municipal committee in the present undeveloped condition of the town.

SUSPENSION OF POLICE OFFICERS IN LUDHIANA
DISTRICT.

***5975. Chaudhri Muhammad Hasan :** Will the Honourable Minister of Public Works be pleased to state—

- the number and names of policemen or police officers under orders of suspension during the months of October, November and December, 1939, in the Ludhiana district with their length of service and previous record, if possible ;

[Ch. Muhammad Hassan].

- (b) the offence or departmental delinquency that they are alleged to have committed ;
- (c) the period for which the above-mentioned officers or men have been under orders of suspension ;
- (d) the name and designation of the officer deputed to hold departmental inquiry into their conduct and the conclusions at which he has arrived in this respect ;
- (e) how long the inquiring officer took to complete the inquiry and how many witnesses altogether have been examined in the departmental inquiry mentioned above ;
- (f) how long it took the Superintendent of Police, Ludhiana, to examine the result of the departmental inquiry submitted to him with regard to these suspended police officers ;
- (g) whether the delinquents in question were also examined by the Superintendent of Police himself ;
- (h) whether he will be pleased to lay on the table of the House a statement showing the nature of defence produced by each of these police officers ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Altogether four police officers serving in the Ludhiana district were under suspension for varying periods during the three months mentioned. I do not think that it would be in the interests of the Force or of the particular officers to give names or to go into the details of all the cases here, but if the honourable member desires information regarding some particular case, and cares to put a question about it, I will consider whether the information can be given.

I should like to say at the same time that the service rules provide ample redress for any officer who thinks that he has been unfairly treated in departmental proceedings.

Lala Duni Chand : May I know if the information available to the Punjab Government through the honourable members of that district has ever been utilised by the Government with regard to the prevalence of bribery in that district ?

Parliamentary Secretary : Government utilises every information that is conveyed to them by any honourable member, but they must make full enquiry before taking any action against a particular officer.

Lala Duni Chand : Is it not true that the information supplied by those honourable members of that district regarding the prevalence of bribery has been treated at a discount ?

Parliamentary Secretary : The honourable member is not right in drawing that conclusion. All the information that is supplied to the Government is properly and carefully considered.

Chaudhri Muhammad Hassan : Has it come to the notice of the Government that one of those officers was hauled up for corruption 2 months before he was suspended and then on a petition he was reinstated ?

Parliamentary Secretary : I cannot answer without due notice.

Chaudhri Muhammad Hassan : Has the Government in their possession the names of those police officers and police men who were suspended ?

Parliamentary Secretary : Yes, but it is not in the interest of the force or of the particular officer to disclose names.

Chaudhri Muhammad Hassan : Have you got in your possession the names of those officers ?

Parliamentary Secretary : Yes.

Chaudhri Muhammad Hassan : In my question I have asked about the names, length of service and previous record of police officers. Is it not a fact that one of these four officers was hauled up two months ago for corruption ?

Parliamentary Secretary : I am not prepared to divulge all the information regarding this departmental enquiry, but if my honourable friend gives notice of a new question in regard to any particular case, I shall try to collect the necessary information.

Chaudhri Muhammad Hassan : I invite my honourable friend's attention to part (a) of my question. It asks for—

The number and names of police officers and police men under orders of suspension
.....with their length of service and previous record if possible.

So the notice is already there.

Parliamentary Secretary : It is not desirable to give general information in detail regarding all the officers against whom action was taken.

Chaudhri Muhammad Hassan : There are only four officers. I ask whether the Government have in their possession all the information that I have sought in part (a) of my question ?

Parliamentary Secretary : The Government have full information in their possession regarding their number, names, their length of service and their previous record.

Chaudhri Muhammad Hassan : Is the Government also in possession of the fact that one of those four officers was hauled up 2 months before he was suspended ?

Parliamentary Secretary : I cannot answer this question off-hand. I require notice for giving any particular information.

**EFFORT MADE BY SECRETARY MUNICIPAL COMMITTEE DALHOUSIE TO
CHANGE THE NAME OF THE DALHOUSIE GENERAL POST OFFICE.**

***6008. Malik Barkat Ali :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that on 30th September, 1939, the Secretary, Municipal Committee, Dalhousie, wrote to Postmaster-General, Punjab, suggesting change in the name of Dalhousie General Post Office to "Grewal Square Post Office" and to give this name wide publicity promising in the same letter that the Municipal Committee would pay for all expenses incurred on this change ;

[M. Barkat Ali.]

- (b) whether it is a fact that the letter was kept a guarded secret from the members, and if so, why ;
- (c) whether it is a fact that the Secretary, Municipal Committee, when asked by a member of the said Municipal Committee stated in writing that he did so under verbal orders of the President ;
- (d) whether it is a fact that in reply to a letter from a member of the said committee the President categorically denied all knowledge of any letter having been sent to the Postmaster-General and in the same letter, which is on the record of the committee, requested the same member to try and ease matters for him in the committee ;
- (e) whether it is a fact that on 18th November, 1939, the committee passed a resolution condemning the Secretary for writing such a letter without any authority or resolution of the committee and asked the President to hold an inquiry into the matter ;
- (f) whether it is a fact that the Secretary asked the President for permission to put up his defence before the matter is decided ;
- (g) the result of the inquiry in the matter, if so far held, and the action taken by the authorities ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) The suggestion was that the square in front of the General Post Office be called "Grewal Square" and that the Municipal Committee be allowed to engrave at its own expense the words "Grewal Square" under the existing inscription "Post Office".

(b) There is nothing on the municipal file to show that the letter in question was kept secret from the members.

(c), (d) and (e) Yes.

(f) On a representation submitted by the Secretary, the Senior Vice-President recommended to the President that no action be taken against the Secretary unless he had been given an opportunity to defend himself.

(g) The matter is under the consideration of the President.

ELECTRIFICATION OF RURAL CENTRES.

***6009. Sardar Bahadur Sardar Gurbachan Singh:** Will the Honourable Minister for Public Works be pleased to state—

- (a) the names of the rural centres stated in the report on the administration of the Indian Electricity Act in the Punjab for the year 1938 to have been electrified ;
- (b) names of police station, tahsils and districts in which the rural centres mentioned in (a) are situated ;
- (c) the number of kwts. supplied per month to each centre ;
- (d) whether any electricity is supplied for agricultural purposes at these rural centres ; if so, the names and addresses of the consumers of electricity from these centres ?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) and (b) A statement is laid on the table. Precise information regarding police stations is not readily available.

(c) The information required is not readily available. The time and labour involved in making the necessary elaborate enquiries will not be commensurate with the results achieved.

(d) (i) Yes.

(ii) A statement regarding the more important consumers is laid on the table.

STATEMENT I.

The names of the rural centres mentioned in the Report on the Administration of the Indian Electricity Act in the Punjab for 1988.

Serial No.	Name of Rural Centre.	Tehsil and District.
1	Rural Area round Nankana Sahib ..	} Tehsil Nankana Sahib, District Sheikhupura.
2	Moblan	
3	Kot Abdul Khaliq	
4	Tube Wells outside Ferozepore ..	} Tehsil Kasur, District Lahore.
5	Tankanwali Basti	
6	Basti Madhra, Ferozepore	
7	Dhannasinghwala, Pritamsinghwala ..	} Tehsil and District Ferozepore.
8	Mahmood Buti, Lakhodhar, Kot Duni Chand.	
9	Rural Area round Renala Khurd ..	} Tehsil and District Lahore.
10	Noshebra Majja Singh, Sohāl, Zaffarwal, Dehriwala, Khunda, Manj, Lehl, Japhowal.	
11	Rural Area round Qadian	District Montgomery.
12	Noshebra Majja Singh, Sohāl, Zaffarwal, Dehriwala, Khunda, Manj, Lehl, Japhowal.	Tehsil and District Gurdaspur.
13	Rural Area round Qadian	Tehsil Batala, District Gurdaspur.
14	Rural Area round Tarn Taran	Tehsil Tarn Taran, District Amritsar.
15	Chandar Nagar, Dhapai	Tehsil and District Amritsar.
16	Sura Nussi, Maksudpur, Chak Hussaina, Dakoha, Birring.	Tehsil and District Jullundur.
17	Boparai, Atta, Dalewala, Goraya ..	Tehsil Phillaur, District Jullundur.
18	Sarna, Madhopur	Tehsil Pathankot, District Gurdaspur.
19	Rural Area of Dharmasala	Tehsil Kangra, District Kangra.

STATEMENT II.

The names and addresses of the consumers of electricity in rural centres.

Serial No.	Name.	Connected Load.	
		Kw.	
1	Gurdwara Parbandak Committee, Nankana Sahib. 8 tube wells.	64	
2	Rai Sahib Lala Prithi Raj, Baghbanpura	6	
3	Khan Bahadur Mian Abdul Aziz, Baghbanpura	4	
4	Khan Sahib Feroze Din and Sons (Feroze Printing) Lahore ..	4	
5	Khan Sahib Hira Khan, Tarn Taran	3	
6	Irrigation Branch	{ (Dhariwal) ..	22
		{ (Ferozepore) ..	250
7	Chandhri Fateh Muhammad, Gurdaspur (Qadian)	2	
8	Mirza Basheer-ud-Din Mahmud Ahmad, Qadian	2	
9	Mirza Basheer Ahmad, Qadian	1	
10	Khan Muhammad Ali Khan, Qadian	2	
11	Gunda Ram-Munshi Ram, Ferozepore	4	
12	Lala Kanshi Ram, Ferozepore	8	
13	Lala Babu Lal, Ferozepore	4	
14	S. Nahar Singh, Ichhra	2	
15	S. Iqbal Singh, Kala Chanpur	5	
16	Mahajan Fruit Farm, outside Pathankot	9.6	
17	Pumping stations around Renala Khurd	} Figures not available.	
18	Mr. Mitchell, Farm, Renala Khurd		
19	Major L. H. G. Conville, Convillepur		
20	Coleyana Estate, Coleyana, near Okara		
21	Dharamsala Tea Estate, Dharamsala		

SCHEDULE OF MINIMUM AND MAXIMUM AREAS FOR HOUSES IN
LAHORE.

*6010. **Sayed Amjad Ali Shah :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether a Committee was appointed by Government to revise the schedule of minimum and maximum areas for houses in Lahore consisting of the Minister of Public Works, his Parliamentary

Secretary, some members of the Assembly, the Administrator, Lahore Municipality, the Government Architect, the Chief Engineer, Buildings and Roads, and the Secretary to Government, Punjab, Local Government Departments ;

- (b) whether the recommendations of this committee were unanimous ;
- (c) whether he had undertaken that these recommendations would be accepted by Government without any alteration ;
- (d) whether it is a fact that certain alterations have been proposed by the Town Planner of Lahore and still further alterations have been proposed by the Administrator, Lahore Municipality, in the areas unanimously recommended by the committee mentioned in part (a) of the question ; if so, why and whether it is not intended to accept the unanimous recommendations of the Committee *in toto* in regard to the schedule of areas for houses in Lahore ?

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

(b) The proceedings do not show that any member dissented.

(c) No.

(d) The Provincial Town Planner pointed out that the old method of fixing minimum areas for sites situated only on the frontages of roads was defective and incomplete as it did not take into consideration the hinterland. A fresh scheme has therefore been prepared dividing into zones the area available for development. It has been published for inviting objections from the public and has not yet come up to Government for sanction. It is true that in certain respects the scheme as published departs from the recommendations of the committee referred to by the honourable member.

IMPOSITION OF KHUSH HAI SIYAT TAX IN DIPALPUR AND PAKPATTAN TAHSILS.

***6043. Tika Jagjit Singh Bedi :** Will the Honourable Minister for Revenue be pleased to state (a) whether Khush Haisiyat Tax, which is levied in Dipalpur and Pakpattan tahsils in Montgomery district, is levied in any other district in the province ; and, if not, the special reasons for its imposition in these two tahsils ?

The Honourable Dr. Sir Sundar Singh Majithia : The honourable member's attention is invited to the answer given to the starred Assembly Question No. 4087¹.

FIXING OF MINIMUM AREAS FOR HOUSES IN LAHORE BY LAHORE MUNICIPALITY.

***6044. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Government appointed a committee in 1938 to consider the question of fixing minimum areas for houses in Lahore and make recommendations ;

[R. B. Lala Gopal Das.]

- (b) whether it is a fact that an undertaking was given that the recommendations of the said committee would be accepted by the Government without any alteration ;
- (c) whether it is a fact that he and the various Parliamentary Secretaries, who were also members of that committee were in complete agreement with its final recommendations ?
- (d) whether it is a fact that so far the decisions of the committee have not been carried out, if so, the reasons therefor ?

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

(b) No.

(c) The proceedings do not show that any member dissented.

(d) Yes. A scheme has been published for inviting objections from the public and has not yet come up to Government for sanction.

BUILDING SCHEME FOR LAHORE PREPARED BY MR. A. C. MACNABB.

***6045. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Mr. A. C. Macnabb prepared a building scheme for Lahore, 1938 with a view to dividing Lahore into a number of zones for building purposes roughly in accordance with the grade and richness of the residents ;
- (b) if the answer to (a) above be in the affirmative, whether Government approved of the scheme and whether any action was taken thereon ;
- (c) whether he will kindly lay a copy of the above scheme on the table of the House ?

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

(b) and (c) Do not arise.

LIMITS OF THE LAHORE MUNICIPALITY.

***6046. Mian Abdul Aziz :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the considerations on which the limits of the Lahore Municipality were extended by the Government ;
- (b) the area within the Lahore Municipal limits prior to its extension and after ;
- (c) whether the extended municipal area includes the area of some other district besides that of Lahore ; if so, to what extent ;
- (d) the date of official notice for proposed extension, the date on which the extension was sanctioned and notified in the official gazette, and the date on which the octroi posts were shifted to their present destinations ;

- (e) whether any previous notice was given to the public before shifting the various octroi barriers from their previous destinations to the present ones ; if so, in what form ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The limits of the Lahore municipality were extended with a view to ensuring the proper development of the areas included within the municipality of Baghbanpura and the Small Towns of Shahdara and Ichhra and other areas which virtually formed part of Lahore and in which buildings were being erected without any control.

(b) (i) 26.10 square miles. (ii) 102.07 squares miles.

(c) Five revenue estates in the Sheikhpura district with a total area of 7,608 acres have been included.

(d) The proposal was published on the 28th April 1939 and was confirmed on the 24th August 1939. The octroi barriers were removed to their present locations at midnight between the 24th and 25th August 1939.

(e) No ; nor was any such notice necessary. As stated in the answer to part (d) the public knew of the proposal to alter the municipal boundaries nearly four months before the change was actually made.

OCTROI REVENUE OF THE LAHORE MUNICIPALITY.

***6047. Mian Abdul Aziz :** Will the Honourable Minister of Public Works be pleased to place on the table of the House a statement showing the income of the Lahore Municipality on account of octroi from the date of the extension of the Lahore Municipal limits up to the end of December, 1939, and the income from the same source during the corresponding period of the previous year ?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (1) Rs. 6,48,175.

(2) Rs. 6,32,848.

Sardar Sohan Singh Josh : What is the difference between these figures ?

Parliamentary Secretary : About Rs. 11,000.

ADMINISTRATOR, LAHORE MUNICIPALITY.

***6048. Mian Abdul Aziz :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether Government is aware of the fact that there is a provision of law that Presidents of Municipal Committees when absent from Municipal areas become *functus-officio* ;

(b) the reasons for which the present Administrator of the Lahore Municipality was allowed by Government to leave Lahore during the summer of 1938 and 1939 and the dates on which he remained absent from Lahore ;

(c) the total amount paid from the municipal funds on account of office accommodation, travelling and other allowances, despatch of papers, etc., consequent upon this officers' move to Simla during the years mentioned above ;

[M. Abdul Aziz.]

- (d) whether the expenditure so incurred was duly declared to be an appropriate charge on the funds of the Municipality by Government; if so, will he lay a copy of the orders so passed on the table?

Parliamentary Secretary (Shaikh Faiz Muhammad): (a) Government are not aware of any such provision.

(b) He was allowed to go to Simla for recess so as to be able to devote his attention to larger administrative problems away from constant interruptions and also to be available to Government for consultation.

(c) A statement is laid on the table.

(d) No such declaration was necessary. It is provided in the Punjab Municipal Act that establishment charges shall be met out of the municipal fund.

Statement.

	1938.	1939.
	Rs. A. P.	Rs. A. P.
1. Office Accommodation	Nil	Nil
2. Travelling allowance from Lahore to Simla and back—		
(i) Stenographer	39 1 0	39 7 0
(ii) Orderly	15 14 0	15 14 0
3. Payment to Punjab Government for carriage of files.	126 0 0	188 5 0
4. Railway freight for files, typewriter, etc. ..	82 7 6	93 6 0

NUMBER OF EMPLOYEES IN THE MUNICIPAL COMMITTEE, AMRITSAR.

***6057. Dr. Sant Ram Seth:** Will the Honourable Minister for Public Works be pleased to state—

- the total number of employees in the Municipal Committee of Amritsar, community-wise, excluding the sweepers in 1937, 1938 and 1939;
- the total number of sweepers employed in the Municipal Committee of Amritsar in 1938 and 1939 and their total salary bill in 1938 and 1939;
- the total income of the Municipal Committee, Amritsar, in 1937 1938 and 1939;
- the total expenditure incurred on salaries including the sweepers and menial staff in 1937, 1938 and 1939?

Parliamentary Secretary (Shaikh Faiz Muhammad) : A statement is laid on the table :—

				<i>Statement.</i>		
<i>Year.</i>				<i>Muslims.</i>	<i>Non-Muslims.</i>	<i>Sikhs.</i>
(a)	1936-37	..	..	1,359	770	192
	1937-38	..	..	1,383	802	212
	1938-39	..	..	1,432	792	206
				<i>Number of sweepers.</i>		<i>Total salary.</i>
						<i>Rs. A. P.</i>
(b)	1937-38	..	..	702	78,053	0 0
	1938-39	..	..	713	78,307	5 0
						<i>Rs.</i>
(c)	1937-38	..	..	..	..	26,51,358
	1938-39	..	..	..	..	29,89,877
(d)	1937-38	..	..	..	..	9,24,222
	1938-39	..	..	..	..	9,47,508

POSTS OF SWEEPERS IN THE MUNICIPAL
COMMITTEE, AMRITSAR.

***6058. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that the posts of sweepers in the Municipal Committee of Amritsar have been made permanent; if so, the number separately of sweepers, male and female, employed or to be employed under this scheme, the monthly pay of these posts and the rate of annual increment, if any, and also whether the advantage of Provident Fund is attached to these posts, the date when this scheme is to be enforced and the number of sweepers retrenched under this scheme?

Parliamentary Secretary (Shaikh Faiz Muhammad) : Yes. The scheme came into force on the 18th December, 1939. The total strength is 371 male sweepers; there are no sweepresses. The pay is Rs. 14 per mensem. No increments are granted but the sweepers have prospects of promotion to posts of Jamadars, cart drivers and refuse platform sweepers which carry a monthly remuneration ranging from Rs. 13 to Rs. 23. They have also the benefits of a Provident Fund. The number of sweepers retrenched is 75 males, 282 females and 32 boys.

THEFT CASES WITHIN THE MUNICIPAL LIMITS OF AMRITSAR.

***6059. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of theft cases recorded by the police in 1938 and in 1939 within the municipal limits of Amritsar;
- (b) the value of stolen property in these cases;
- (c) the amount of cash and jewellery stolen;
- (d) the value of property recovered with cash;
- (e) the value of property restored to the owners;
- (f) balance of the properties in the custody of the police;
- (g) the number of arrests made in these cases and also the number of convictions;
- (h) the number of cases still pending and the number of cases discharged out of these cases of theft so far?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
A statement is laid on the table.

Theft cases within the municipal limits of Amritsar.

Year.	A. Cases reported.	B. Value of stolen property.	C. Value of cash and jewellery stolen.	D. Value of property recovered.	E. Value of property restored to owners.	F. Balance in the custody of police.	G.		H.	
							(i). Arrests made.	(ii). Convictions.	(i). Cases pending.	(ii). Cases discharged.
1938	312	Rs. A. P. 17,961 12 0	Rs. A. P. 14,055 12 0	Rs. A. P. 7,566 10 0	Rs. A. P. 7,566 10 0	Rs. A. P. Nil	149	112	Nil	37
1939	435	12,072 3 0	10,704 0 3	4,089 13 3	1,830 3 3	2,259 10 0	203	145	10	48

Dr. Sant Ram Seth : According to the statement the number of cases of theft in the year 1938 is 312. But against this the number of cases of theft recorded in the year 1939 is 435. May I know what is the reason for this increase in the cases of theft?

Parliamentary Secretary : I do not know the exact reasons but economic depression may have something to do with it, but that is no fault of the Government. Besides, cases are more liberally reported now.

Dr. Sant Ram Seth : Whose fault is this?

Dr. Sant Ram Seth : Are you sure that the property is returned by the police?

Parliamentary Secretary : Certainly.

Dr. Sant Ram Seth : How will it be returned, on demand by the owners or *suo motu*?

Parliamentary Secretary : It will be returned when the court passes orders.

Lala Bhagat Ram Choda : Will the police notify the owners that they should come forward to claim their property?

Parliamentary Secretary : I have stated that when the court passes orders the owners will get their property back.

Sardar Sahib Sardar Santokh Singh : Is the Parliamentary Secretary aware that the promotion of the police officers in England depends more upon the prevention of crime rather than on its detection?

Mr. Speaker : Disallowed.

NUISANCE CAUSED BY CARTS FULL OF FILTH AND RUBBISH IN
BAZAR MACHHIHATTA, LAHORE.

***6074. Mrs. Duni Chand :** Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that open carts full of filth and rubbish continue to remain standing every day for hours together in the narrow bazar of Machhihatta which give out most offensive smell;

(b) whether it is a fact that repeated representations and protests have been made from time to time by the persons concerned to stop this nuisance;

(c) the reasons why this nuisance has been allowed to continue even after the promise made by the Honourable Minister of Education to put an end to this nuisance in reply to my speech on the occasion of discussion of the Budget for 1939-40;

(d) the action Government proposes to take now in the matter?

Parliamentary Secretary (Shaikh Faiz Muhammad) : (a) The carts stand in the enclosure of the filth depôt during the morning while they are being filled. They may perhaps be held up for short periods by other traffic in the narrow bazar of Machhihatta.

[Sh. Faiz Muhammad.]

(b) When visiting the Old City, the Administrator has often listened to representations and protests about this nuisance.

(c) and (d) I have not been able to trace the promise referred to by the honourable member. When the ring sewers round the Old City which form part of the Drainage Scheme sanctioned by Government have been completed, it will be possible to establish pail depôts to which night-soil will be conveyed in covered metal containers and from where it will be washed into small sewers running down the main bazars. The nuisance complained of by the honourable member will then cease to exist.

Begum Rashida Latif Baji : On what date did he visit the place ?

Parliamentary Secretary : I want notice for that question.

Mrs. Duni Chand : May I point out to the Parliamentary Secretary that some time ago the Honourable Minister assured us that arrangements would be made to remove the complaint but still those people are being made to live in those unwholesome and unhealthy conditions ?

Parliamentary Secretary : That promise was made and the arrangements are in progress. Sewer is being constructed around the city proper, and now this complaint will be removed in a very short time.

Mrs. Duni Chand : My question is as to what duration is meant by the term "short time". If the Parliamentary Secretary or the Minister were obliged to live in that locality, they would realise what a hellish life those people have to lead.

Parliamentary Secretary : I assure the honourable lady member that the work is progressing with all speed and will be completed very shortly.

Mrs. Duni Chand : I want to know whether the Government do not consider it their duty to save those people from tuberculosis and other diseases which are consequent on the conditions of the present locality. Who is responsible for the increase in the number of cases ?

Parliamentary Secretary : That responsibility lies on the shoulders of the previous municipal committees, which did not prepare a single scheme of drainage.

Mrs. Duni Chand : Has the Government made or does it intend to make any temporary arrangements in this connection ?

Mr. Speaker : That is a request for action.

Mrs. Duni Chand : May I know what is his standard of "very soon" ? What does he mean by it ?

Minister of Public Works : "Very soon" means very soon. Construction of sewer is in progress.

Sardar Rur Singh : Will this complaint be removed during the lifetime of this Government ?

Minister : If we cannot complete the scheme, others will take our place and do the needful.

Mrs. Duni Chand : Why does not the Government make arrangements for using closed conservancy wagons instead of the open ones till the completion of the sewerage scheme? That would not entail much expenditure.

Minister : All the necessary proposals are under consideration.

Lala Bhagat Ram Choda : If the administrator is not capable of meeting the situation, why do you not resuscitate the Lahore Municipal Committee?

Mrs. Duni Chand : Sir, no reply has been given to my question as to why the Government does not make arrangements for using closed wagons? I again request you to kindly let me know as to when those arrangements will be completed?

Minister : It is not humanly possible to give a definite date. All that I can say is that the complaint will be removed very soon.

Mrs. Duni Chand : Why do you not make temporary arrangements in the meanwhile?

Minister : If I were to accept that proposal the open wagons will have to be discarded in favour of closed ones, which will have to be purchased at a considerable cost. Then after a very short time the sewerage scheme will be completed and the closed wagons will become useless. Surely this will mean an inexcusable waste of money.

STRICTURES AGAINST POLICE IN THE GUJRAT COLLEGE MURDER CASE.

***6081. Pandit Bhagat Ram Sharma :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that strictures were passed by Mr. Justice Monroe against the investigating Sub-Inspector characterizing his action as extremely slow in Gujrat Intermediate College Murder Case; if so, what action, if any, was taken or is proposed to be taken in the matter against the police official concerned by the Government?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The attention of the honourable member is invited to the reply given to Question *5793¹ by the honourable member for the South-Western Towns (General) Urban constituency.

HOSPITALS IN THE HILLY TRACTS OF DERA GHAZI KHAN DISTRICT.

***4912. Khan Bahadur Sardar Muhammad Hasan Khan Gur-chani :** Will the Honourable Minister for Education be pleased to state whether there are any hospitals in the hilly tracts of Dera Ghazi Khan district, if so, the name of the places where they are situated; if there are no such hospitals, whether the Government intends to open them; if not, why not?

¹Vide Debates of 2nd February 1940.

The Honourable Mian Abdul Haye : There is one permanent dispensary at Barthi and one seasonal dispensary at Fort Munro in the hilly tracts of the Dera Ghazi Khan district. The latter dispensary remains open during summer only for about six months. The other part of the question does not arise.

Khan Bahadur Sardar Muhammad Hasan Khan Gurchani : Does the Government intend to do something more in this connection ?

Minister : That does not arise from the original question.

PAPERS NOS. 3 AND 5 OF THE PRABHAKAR EXAMINATION.

***5369. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state whether any complaint regarding papers Nos. 3 and 5 was received by the University of the Punjab this year for the Prabhakar examination, if so, what steps the University has taken or proposes to take in the matter ?

The Honourable Mian Abdul Haye : Answer to the first part of the question is in the negative. The second part does not arise.

GRANT OF SPECIAL CERTIFICATES TO UNTRAINED TEACHERS.

***5650. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) whether he is aware of the fact that the number of untrained teachers serving at present in schools under the control of the District Board, Gurgaon, is very large ;
- (b) whether it is also a fact that special certificates to such teachers are granted by the Education Department only if they fulfil certain conditions which many of these teachers do not fulfil ;
- (c) if answer to the above be in the affirmative, whether any special facilities were intended to be provided to these teachers for joining Normal Schools and, if not, whether it is intended in the alternative to relax the time limit for the grant of special certificates ?

The Honourable Mian Abdul Haye : (a) The number of untrained teachers under the control of the District Board, Gurgaon, is 108.

(b) Special certificates are awarded to such untrained teachers as fulfil the conditions laid down for the award of these certificates.

(c) Special facilities were provided for the teachers of Gurgaon district for joining Normal school as stated below :—

In 1937, 30 candidates out of 40 allotted to the Ambala Division were selected from the Gurgaon district.

In 1938, a full unit of 40 candidates was allotted to Gurgaon out of 55 earmarked for the Ambala Division.

In 1939, 30 out of 60 candidates allotted to the Ambala Division have been selected from the Gurgaon district.

Moreover the rules relating to the award of special certificates have recently been revised. Previously no teacher joining the staff of a recognised school for the first time after the 1st April, 1925, was eligible for the award of a special Junior Vernacular certificate. A teacher with ten years' experience is now eligible for this award.

Lala Duni Chand : Will the Honourable Minister be pleased to state the number of trained teachers required for this district ?

Minister : I am afraid I have not that information on hand.

GOVERNMENT HIGH SCHOOL FOR GIRLS AT BHIWANI.

***5651. Pandit Shri Ram Sharma :** With reference to the answers to my starred questions No. 3487¹ and 4383², asked on 9th January, 1939, and 3rd April, 1939, respectively, will the Honourable Minister of Education be pleased to state whether any decision has so far been reached with regard to the opening of a government high school for girls at Bhiwani for which another representation was submitted to him on 11th October, 1939 ?

The Honourable Mian Abdul Haye : It is proposed to open a Government Vernacular Middle School for Girls at Bhiwani during 1940-41 subject to funds being available for the purpose and satisfactory building arrangements being made.

Pandit Shri Ram Sharma : Is it a fact that representations have been made by the inhabitants of Bhiwani requesting the Government to open a high school for girls in that town ?

Minister : Such requests are being received from all parts of the province but, unfortunately, we have no funds.

COMPLAINTS AGAINST HEAD MISTRESS, GOVERNMENT NORMAL AND MIDDLE SCHOOL FOR GIRLS AT PALWAL.

***6017. Malik Barkat Ali :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Head Mistress of the Government Normal and Middle School for Girls at Palwal, has recently employed a male S. A. S. doctor in place of a Christian lady doctor to attend to the girls of the school who are mostly grown up girls under training in the J. A.-V. class ;
- (b) whether it is also a fact that she has substituted the usual morning prayer with purely Hindu songs in praise of Hindu deities ;
- (c) whether it is a fact that she collected funds and arranged lectures in connection with the Anti-Hyderabad Agitation ;
- (d) if the answer to the above be in the affirmative, the action which he has taken or intends to take in this matter ?

The Honourable Mian Abdul Haye : (a) Yes, as the Christian lady doctor was unable and unwilling to attend to the girls in the hostel and no other woman doctor is available at Palwal. Under the circumstances parents of hostel students raised no objection to the appointment of a man.

¹Volume VII, page 8.

²Volume IX, page 117.

[Minister for Education.]

(b) No.

(c) No.

(d) Does not arise.

Mian Abdul Rab : May I know whether Government advertised for this post to obtain the services of a lady doctor to attend to the girls in the Junior Anglo-Vernacular Classes ?

Minister : As I have already stated no lady doctor is available at Palwal.

EMBEZZLEMENT IN PUBLIC HEALTH EQUIPMENT DEPARTMENT,
JULLUNDUR.

***6035. Malik Barkat Ali :** With reference to the answer given to starred question No. 4805¹, dated 23rd March, 1939, will the Honourable Minister of Education be pleased to state—

- (a) the period covered by the special audit that was ordered on receipt of the representation referred to in the said question ;
- (b) the result disclosed by the audit report particularly in regard to the embezzlements alleged, and the action so far taken to bring to book the officials found to be implicated in the embezzlements, if any ;
- (c) whether temporary employee, Ghulam Nabi for whose re-employment instructions were stated in answer to part (b) of question No. 4805 to have been issued, has so far been re-employed : and if so, in what capacity and on what pay ?

The Honourable Mian Abdul Haye : (a) The year 1926-27. Some items of expenditure relating to the year 1928-29 were also examined.

(b) It was stated in the report that probable requirements were not estimated with care and that in making purchases the ordinary rules had been disregarded. The action to be taken is still under consideration.

(c) The honourable member is referred to the reply given to the unstarred Assembly Question No. 893².

SCHEME OF ENGAGING TRAVELLING TEACHERS.

***6037. Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state whether the Government intends to introduce a scheme of engaging traveling teachers for the purpose of combating illiteracy in the rural areas throughout the Punjab or only for a part of it and if only for a part of the province, the name of the rural areas intended to be selected for the purpose ?

The Honourable Mian Abdul Haye : The appointment of paid travelling teachers for the purpose of combating illiteracy in the rural areas is under the consideration of Government.

¹Volume VIII, page 599.

²Volume X, page 544.

INTRODUCTION OF SHIFT SYSTEM FOR COMBATING ILLITERACY.
IN THE PUNJAB.

***6038. Munshi Hari Lal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether or not in any part of the province, shift system, i.e., part-time instruction is in vogue in the rural area for the purpose of combating illiteracy ;
(b) if so, which is that part, and if not, does the Government intend to introduce such a system in the rural areas for combating illiteracy ?

The Honourable Mian Abdul Haye : (a) and (b) I do not quite understand what the honourable member means by "Shift System". I shall be glad to give a reply if he makes his meaning clear.

Attempts are being made to liquidate illiteracy by every means at the disposal of Government. There are no hard and fast rules, but Government welcomes the co-operation of every private organisation wishing to work towards the same goal.

TUBERCULOSIS CASES AND OTHER PATIENTS WHO ATTENDED HOSPITALS
AND DISPENSARIES AT AMRITSAR.

***6055. Dr. Sant Ram Seth :** Will the Honourable Minister for Education be pleased to state—

- (c) the total number of tubercular cases treated in the municipal and the Civil Hospitals at Amritsar in 1937, 1938, 1939, (i) the total number of patients treated in the outdoor dispensaries at Amritsar, (ii) the total number of patients admitted as indoor patients in these dispensaries, (iii) the name of diet given to indoor patients with quantity, (iv) the number of patients discharged as cured, and (v) the total number of deaths caused by tuberculosis in the municipal limits of Amritsar in 1937, 1938 and 1939 ?

The Honourable Mian Abdul Haye : (a), (i), (ii), (iv) and (v) : A statement is laid on the table.

Statement.

Year.	(a).	(i).	(ii).	(iv).	(v).*
1937	1,881	1,490	391	251	434
1938	1,972	1,583	389	112	549
1939	2,877	1,759	618	194	843
Total ..	6,230	4,832	1,398	557	1,826

*These figures should not be regarded as representing an increase in tuberculosis. They are an indication of improved diagnosis and registration of deaths coincident with the appointment of medical registrars.

[Minister for Education].

(***) Civil Hospital and Female Hospital, Amritsar.

Articles mentioned in Appendix XXIV of the Punjab Medical Manual under the head "ordinary", and

Milk	..	..	1 seer.
Sugar	..	..	1 chatak.
Eggs	..	..	2
Meat	..	..	4 oz.
Butter	..	..	1 oz.

Infectious Diseases Hospital, Amritsar ..

Articles mentioned in Appendix XXIV of the Punjab Medical Manual under "Ordinary" and—

Milk	..	..	1 seer.
Butter	..	..	1 chatak.
Egg	..	..	1

APPOINTMENT OF DISPENSERS IN DISPENSARIES AND HOSPITALS IN THE PUNJAB.

***6067. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Education be pleased to state—

- (a) whether his attention has ever been invited to Circular No. 2713-M.-37/32158, dated 11th September, 1937, embodying therein that no person shall be appointed as a Dresser in Government Hospitals unless he has passed the Dressers-Dispensers' Examination from the Amritsar Medical School ;
- (b) whether it is a fact that 50 per cent of the posts of Dispensers-Dressers in Dispensaries under the control of local bodies are reserved for persons who have qualified themselves for these posts from the Medical School, Amritsar, over and above those in Government hospitals ;
- (c) whether he is aware that under the old practice dispensers had to be trained in hospitals and after completion of training they used to be granted certificates by Inspector-General of Civil Hospitals, Punjab ;
- (d) whether he is aware that there is a large number of such certified dispensers in every district not yet provided for ;
- (e) whether it is a fact that these certificated Dispensers-Dressers have recently represented to the Government that they should have been treated alike while filling the posts of dispensers in hospitals and dispensaries under the control of Government and of the local bodies ; if so, the action taken or intended to be taken on this representation ?

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

(d) The exact number is not known.

(e) The Inspector-General of Civil Hospitals, Punjab, received a representation from the Secretary, Ambala District Dispensers' Association. Government does not propose to take any action in the matter.

FIXATION OF THE PRICES OF URDU TEXT-BOOKS.

***6069. Rai Sahib Lala Sohan Lal :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Punjab Education Department has laid down that prices of all vernacular text-books should be calculated and fixed at the rate of 550 pages to a rupee ;
- (b) if the answer to (a) above be in the affirmative, the reasons why "Sarmaya-i-Urdu," "Dastur-i-Adab," "Hindi Samangachh" and "Punjabi Matric Course" are selling at Rs. 2, Rs. 1-4-0, Rs. 1-6-0 and Rs. 1-12-0, respectively, in the schools while according to the prescribed rates their prices come to much less than the prices at which these text-books are being sold ;
- (c) the action that is intended to be taken in the matter ?

The Honourable Mian Abdul Haye (a) Yes ; as far as the text-books approved for use in primary and middle classes of schools are concerned.

(b) The orders in question are not applicable to the text-books published by the Punjab University.

(c) Does not arise.

SARDAR TEJA SINGH SWATANTAR, STATE PRISONER.

***5069. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the reasons that had led Sardar Teja Singh, Swatantar, State-prisoner, confined in Campbellpur Jail, to resort to hunger-strike recently and the action taken by the Government consequent on his hunger-strike ;
- (b) the period for which he remained on hunger-strike ;
- (c) reduction in his weight during the period ;
- (d) his present state of health ?

Parliamentary Private Secretary (Sayad Amjad Ali Shah): (a) He never went on hunger-strike.

(b) and (c) Do not arise.

(d) Good.

ARRESTS IN CONNECTION WITH LAHORE KISAN 'MORCHA'.

***5077. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

- (a) the total number of arrests so far effected in connection with the Lahore Kisan 'morcha' in defiance of section 144, Indian Penal Code ;
- (b) the number of females among them ;
- (c) the number of those who have been convicted ;

[8. Hari Singh].

(d) the number of casualties among the *kisan* prisoners and their causes ;

(e) steps proposed to be taken to put an end to the agitation by the *kisans* ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah):

(a) 1,549.

(b) 161.

(c) 1,433.

(d) 4 deaths, one from malaria, one from heat-stroke and two from broncho-pneumonia.

(e) The Punjab Government is satisfied and has published irrefutable reasons for the belief, that the agriculturists of the Lahore district have no genuine grievance arising out of the recent re-assessment of the district. It has exposed the hollowness and mischievous nature of the agitation and will continue to apply the law to those who foster agitation in an unconstitutional manner. No further steps appear to be necessary.

M. L. A.'S PRIVILEGES.

***5087. Sardar Hari Singh :** Will the Honourable Premier be pleased to state whether the Punjab Government has considered the question of defining M. L. A.'s privileges under the Government of India Act by means of a legislative measure ; if not, whether it intends taking the question into consideration at an early date ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): The matter is under consideration.

Pandit Muni Lal Kalia : Since when is this matter under consideration ? When does the Government expect to come to some decision ?

Parliamentary Private Secretary : The decision will be conveyed to the honourable member when it is made.

Pandit Muni Lal Kalia : Has any committee of this House been formed to consider this matter ?

Parliamentary Private Secretary : I require notice of this question.

Pandit Muni Lal Kalia : Under whose consideration is the matter at present ?

Parliamentary Private Secretary : Under the consideration of the Government.

LICENCES FOR FIREARMS.

***5191. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

(a) the number of applications for grant of licences for firearms made in Ambala district during the last six months, that is, between 1st April, and 30th September, 1939 ;

(b) whether it is a fact that owing to the recrudescence of abnormal crime in Ambala district during the last six months or so a large number of applications by money-lenders and other respectable men were made for the grant of arms licences for protection of their life and property and were invariably rejected ;

(c) whether it is a fact that money-lenders of Bamnara village, Morinda police station, Ambala district, applied for grant of arms licences and their applications were rejected on the ground that they did not render any conspicuous loyal services to the Government ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) 107.

(b) No. Gun licences have been granted without hesitation in genuine cases of need to persons of the money-lending class as well as others. In fact, in some places guns have been given on special terms for purposes of protection.

(c) During the period mentioned, applications for licences were made by four persons of the village mentioned. Licences were not sanctioned in these particular cases, as it did not appear that the applicants had any genuine need for the weapons.

Lala Duni Chand : May I know if it is a fact that the applicants from village Bamnara applied on the ground that due to dacoities their life and property was in danger but in spite of this the licences were refused ?

Parliamentary Private Secretary : It did not appear to the District Magistrate that the applicants were in real need of those weapons.

Lala Duni Chand : What were the reasons for refusing the grant of licences in this particular case ?

Parliamentary Private Secretary : It was in the discretion of the District Magistrate to grant or refuse the licences.

Lala Duni Chand : On one side the dacoits are let loose by somebody and on the other hand there is no remedy even in the form of grant of licences. How does the Government propose to meet the situation ?

Parliamentary Private Secretary : As I have stated, in genuine cases the District Magistrate does grant licences, it is only in small number of cases where the District Magistrate is satisfied that the demand is not genuine that he refuses the applications.

Lala Duni Chand : Is it not proved that the applicants of this village were money-lenders ?

Parliamentary Private Secretary : They may have been money-lenders but it did not appear to the District Magistrate that they could be trusted with guns.

Lala Duni Chand : Has the Parliamentary Secretary made an enquiry into the position of these applicants ?

Parliamentary Private Secretary : I have stated that the District Magistrate was of the opinion that these applicants were not in actual need of the weapon or could not be trusted with their possession.

Diwan Chaman Lall : May I ask whether the Government has any discretion also in the matter ?

Parliamentary Private Secretary : The aggrieved person can apply to the Commissioner against the order of the Deputy Commissioner.

Diwan Chaman Lall : Is it a fact that the Government has also discretion in the matter ? What is the Government's view in regard to this matter ?

Parliamentary Private Secretary : It is not a question of Government having any discretion. If any person feels that the District Magistrate has refused his application on false grounds, he can appeal to the Commissioner against that order.

Diwan Chaman Lall : May I take it, therefore, that the Government has no discretion in the matter ?

Lala Duni Chand : Has the Government considered the question of granting licences more liberally in those districts which are being subjected to a large number of dacoities, and if so, whether any instructions have been issued in regard to Ambala district ?

Parliamentary Private Secretary : So far as my information goes, the licences are granted on very liberal scales in those districts.

Lala Duni Chand : Has the Government issued any instructions with regard to the grant of more licences ?

Parliamentary Private Secretary : The Government are satisfied that the District Magistrates are taking suitable action and they are granting licences on an extensive scale.

Lala Duni Chand : Has the Government issued any instructions ?

Parliamentary Private Secretary : If there is any complaint that in any such district licences are not being granted on a liberal scale, the Government will consider the question of issuing instructions to district authorities.

Lala Duni Chand : My question is different and the answer is different.

Parliamentary Private Secretary : I have stated precisely that the Government is satisfied that the District Magistrates in those districts are granting licences on a liberal scale, but if there is any genuine complaint and it is brought to the notice of the Government, they will consider the question of issuing instructions to the District Magistrates.

Lala Duni Chand : Will the Parliamentary Secretary be pleased to give a straight answer to a straight question, namely, whether the Government has issued any instructions in regard to more free grant of licences on account of the recrudescence of dacoities in Ambala district ?

Parliamentary Private Secretary : The Government does not see the necessity of issuing any fresh instructions because the Government is satisfied that the District Magistrates in those districts including Ambala are granting licences on a liberal scale.

Lala Duni Chand : Then may I understand that it is not the business of the Government to take steps to defend the life and property of the people ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Will the Parliamentary Private Secretary be pleased to state whether the licences for protection have been issued in large numbers in the districts where dacoities have increased ?

Mr. Speaker : It does not arise out of the answer given.

Pandit Shri Ram Sharma : It has been said in reply to the question that the Deputy Commissioners are taking proper action in the districts where cases of dacoity have increased.

Mr. Speaker : The question relates to Ambala district, while the honourable member is going beyond Ambala.

Pandit Shri Ram Sharma : May I know whether the licences have been granted in large numbers in the Ambala district where the number of cases of dacoities has increased ?

Parliamentary Private Secretary : Yes.

CASES AGAINST PRINTING PRESS PROPRIETORS OF LAHORE.

***5350. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the names of the printing press proprietors of Lahore against whom any cases were started by the Government during the last six months and the charges under which those cases were started ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : It is presumed that the question relates only to prosecutions under the Press Law, but even so it is not clear. Proprietors of printing presses are not recognised by the Press Law and no prosecution can be launched against them under that law unless they are also keepers of presses. Until the honourable member makes the intention of his question clearer I am afraid it would serve no useful purpose to collect information.

ARRESTS UNDER DEFENCE OF INDIA ACT.

***5442. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the names of those arrested under the Defence of India Act in the districts of Karnal, Rohtak, Gurgaon and Hissar up to the end of November, 1939 ;
- (b) the charges against the said accused ;
- (c) the total number of arrests in the province under the Defence of India Act during the same period ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) 4 persons in Karnal, none in Rohtak, 2 in Gurgaon and 1 in Hissar district. It is not in the public interest to give names.

(b) Committing prejudicial acts as defined in rule 38 of the Defence of India Rules, 1939.

[S. Amjad Ali Shah].

(c) 218.

Diwan Chaman Lall : 218 is the number of arrests under the Defence of India Act ?

Parliamentary Private Secretary : It is the total number of arrests.

Diwan Chaman Lall : How many have been brought to trial and convicted ?

Parliamentary Private Secretary : I want notice.

Diwan Chaman Lall : Does my honourable friend know how many of them are being tried under various sections of the Defence of India Act ? What are the various sections applicable ?

Parliamentary Private Secretary : The information that was sought was about Karnal, Rohtak, Gurgaon and Hissar districts, and I have stated that the charges were "committing prejudicial acts as defined in rule 38 of the Defence of India Rules, 1939."

Diwan Chaman Lall : Are any cases pending in respect to the section in the Indian Penal Code which is parallel to the section in the Defence of India Act, i. e., 124 (A) ?

Parliamentary Private Secretary : I require notice.

Diwan Chaman Lall : Is it a fact that no province in India can match the record of this Government in regard to prosecutions under the Defence of India Act ?

Parliamentary Private Secretary : It is a question of opinion.

Diwan Chaman Lall : It is a question of fact.

Sardar Sohan Singh Josh : May I ask the honourable member as to how many arrests have been made throughout the province under section 31 of the Defence of India Act ?

Parliamentary Private Secretary : The original question related to the districts of Karnal, Rohtak, Gurgaon and Hissar and I have already replied to that.

Sardar Sohan Singh Josh : Please see part (c) of the original question in which the total number of arrests in the province was asked.

Parliamentary Private Secretary : I am sorry I cannot tell the total off hand.

Sardar Sohan Singh Josh : How many persons were arrested for publishing illegal posters ?

Parliamentary Private Secretary : I cannot say.

Sardar Sohan Singh Josh : Were the persons who published illegal publications also included among those arrested under the Defence of India Act ?

Parliamentary Private Secretary : I cannot say that either.

Pandit Shri Ram Sharma : Have the Government directed the courts that persons arrested under the Defence of India Act should not be granted bails and must be punished eventually ?

Mr. Speaker : Disallowed.

ADJOURNMENT MOTIONS.

ROHTAK MUNICIPAL COMMITTEE.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : 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 unusual delay in the Gazette of the newly-elected members of the Municipal Committee, Rohtak, owing to uncalled for interference of the Punjab Government in the discretion of the Commissioner, Ambala Division, in the personnel of the nominated members.

Mr. Speaker, I do not propose to make any long speech in favour of my submission. Suffice it to say that the elections were held on the 18th of October, 1939, and full four months have passed since that time and yet the result has not been gazetted. It has become a habit of the Punjab Government to serve their party purposes at the time of nominations. The Commissioner has the powers to nominate members of his choice but the Government want him to nominate the personnel selected by themselves. That is an undue interference in the discretion of the Commissioner and that is the real cause of the unusual delay in gazetting the names of the members of the Rohtak Municipality.

Mr. Speaker : The honourable member should not make a speech. He should only read out his motion. What does he want to discuss, "the unusual delay" or anything else?

Pandit Shri Ram Sharma : The unusual delay owing to Government interference.

Mr. Speaker : He does not want to discuss "the interference of the Punjab Government in the discretion of the Commissioner."

Pandit Shri Ram Sharma : That is the only reason why I want to discuss the delay.

Mr. Speaker : What is the official information?

Minister for Public Works : The reasons for the delay in this particular case of the Rohtak Municipality are well known to the House. The matter has already been discussed under an adjournment motion here. The constitution was amended in this particular local body and two nominated members were added, one seat being reserved for the scheduled class and another for Muslims, and, as you would recollect, that interference of the Government was discussed here under an adjournment motion some time ago. Due to that delay has taken place. It is a second class municipal committee and the gazetting of the elected members can only take place along with nominated members. So, due to the change in the constitution, the delay has taken place and I have reason to believe that within a fortnight the necessary notification will appear in the gazette.

Diwan Chaman Lall : May I ask my honourable friend as to when that particular debate took place? During the course of that debate my honourable friend stated on the floor of the House categorically that he has

[Diwan Chaman Lal.]

selected certain individuals for nomination representing certain particular interests. Why then should there have been this inordinate delay in notifying in the gazette the personnel of the committee?

Minister for Public Works : I will explain that point. I never said that I had selected any individuals. The idea, and the intention of the Government, in that particular case was to allot seats to all communities. I had nothing to do with individuals nor did I select any. After all, seats are to be filled community-wise and the individuals will be selected by the Commissioner and the necessary notification will come out shortly. I do not select individuals nor have I any concern with a second class municipality. Under the Act it is the Commissioner's function.

Pandit Shri Ram Sharma : What was the chief hinderance in the Honourable Minister's way for the last two months to notify the names of the elected members? Did he or did he not interfere in the discretion of the Commissioner?

Minister for Public Works : That is not the question. I have already said that there has been no inordinate delay whatsoever. I have reason to believe that within the next fortnight the necessary notification will appear. After all seats have to be allotted community-wise and the Commissioner naturally must take his time. Individuals are selected in consultation with local authorities and, as you know, the selection of these individuals takes some time. The old committee is functioning till the new committee comes into being. Within a fortnight you will get the new local body. What will you discuss in this particular case? Two adjournment motions cannot be discussed on the same subject. I have already said that this is the same adjournment motion as has already been discussed.

Diwan Chaman Lal : May I with your permission say one word in regard to this matter? I think my honourable friend has probably not paid careful attention to the terms of the motion. The terms of the motion are :

The unusual delay in the Gazette of the newly-elected members of the Municipal Committee, Rohtak, owing to uncalled for interference of the Punjab Government in the discretion of the Commissioner, Ambala Division, in the personnel of the nominated members.

That is a different matter to any matter that has been discussed on the floor of the House. What was discussed on the floor of the House was the addition of two more nominated members belonging to particular interests. What is sought to be discussed now is a matter to which my honourable friend has not given any reply, namely, whether he has or has not interfered with the discretion of the Commissioner—a question categorically put by my honourable friend, Pandit Shri Ram Sharma. (*An honourable member :* No.) My honourable friend knows more about it than the Honourable Minister in charge. Has he or has he not interfered in the discretion of the Commissioner, Ambala Division, in regard to the personnel of the nominated members? That is what my honourable friend alleges as a reason for the delay in gazetting the names of the members of the committee, and now he seeks to bring forward this adjournment motion in

regard to that interference. Has my honourable friend to my right got a reply to that? I have made the position clear and if the Honourable Speaker wants me to explain it further I will do so.

Mr. Speaker : At the very beginning I asked the honourable Pandit Shri Ram Sharma to explain what he wanted to discuss. According to his motion, as worded, he wants to discuss the unusual delay in publishing in the *Government Gazette* the names of the newly elected members of the Municipal Committee, Rohtak. The motion in that form is inadmissible, as two definite facts cannot be discussed together. Had the honourable member given notice to discuss the uncalled for interference of the Punjab Government in the discretion of the Commissioner, Ambala Division, in deciding the personnel of the nominated members, he would have been quite in order. But he wants to discuss two definite matters, and this I cannot allow under the rules.

Diwan Chaman Lall : May I say just one word in regard to this matter? The real grievance is of unusual delay in notifying the names of the members of the committee and the real reason for delay is the interference by my honourable friend in the discretion of the Commissioner. The basic fact is delay.

Mr. Speaker : I quite agree with the honourable member that the basic fact is delay and this is what could be discussed if the motion was properly worded.

DISCRIMINATION AND FAVOURITISM TO MEMBERS OF MINISTERIAL PARTY.

Sardar Mula 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, to discuss the discrimination and favouritism shown by the Executive as disclosed by D. O. No. 631-C., dated 8th February, 1940, asking some members of the Ministerial party to recommend persons of their choice for interviewing the Director of Agriculture on 23rd February 1940 regarding grant of land to scheduled castes and Indian Christians on seed growing conditions at Yusafwala in district Montgomery.

Mr. Speaker : Will the honourable member please state the contents of the demi-official letter referred to?

Pandit Muni Lal Kalia : The letter runs as follows :—

D. O. No. 631-C., dated Lahore, the 8th February, 1940.

Subject : DISPOSAL OF APPROXIMATELY 1,600 ACRES OF LAND AT YUSAFWALA, MONTGOMERY DISTRICT, GRANT OF LAND ON SEED GROWING CONDITIONS.

DEAR SIR,

I am desired to inform you that the 14 grants of one rectangle each have been sanctioned for allotment to scheduled caste and Indian Christians. The grantee will be selected by the Financial Commissioner, Development, in consultation with the Director of Agriculture, Punjab. The tenancies will be held on the conditions published with the Punjab Government notification No. 5146-C., dated the 29th November, 1939, a copy of which is enclosed herewith for your information.

[Pt. Muni Lal Kalia.]

If you have in view any persons to recommend for grants of this type you should send their names to the Director of Agriculture, Punjab, direct. They should be instructed to present themselves for interview at the office of Director on the morning of the 23rd February, 1940. If, however, any of your nominees has already appeared before him he should not attend again.

Yours truly,

*Assistant Secretary to Financial Commissioners,
Punjab Government.*

To—

1. Bhagat Hans Raj, B.A., LL.B., M. L. A.
2. S. Gopal Singh, M. L. A.
3. Seth Kishan Das, M. L. A.
4. Chaudhri Prem Singh, M. L. A.

A copy is forwarded for information to the Director of Agriculture, Punjab, in continuation of Punjab Government endorsement No. 480.C, dated the 31st January, 1940.

By Order,

(Sd.). W. F. G. LE BAILLY,

*Deputy Secretary to Government, Punjab,
Development Department.*

7th February, 1940.

I can quote another letter addressed to the Christian members of the House who belong to the Unionist party only and such letters have not been addressed to the members of the scheduled castes who are in the Opposition as well as to the Indian Christian members who do not side with the Government.

Minister for Revenue : First of all I might state that out of the area mentioned by my friend not more than 1,500 acres were given to the Agricultural Department to carry on their work. These were to be distributed and some persons were to be allotted 15 rectangles of land.

Mr. Speaker : The Honourable Minister is discussing the merits of the case.

Minister for Revenue : I am giving you the information—

Mr. Speaker : The question is whether this letter was issued.

Minister for Revenue : Yes, it was certainly issued and that was the only sensible way of doing it because the letter was not only written to these scheduled castes but the letter was also written to the Deputy Commissioners to find out from the Deputy Directors in their districts whether there were any persons belonging to the scheduled castes who could be given the land. The Financial Commissioner is the final authority in this matter and the question regarding distribution is decided by him.

Mr. Speaker : The alleged discrimination and favouritism lies in selecting only a few honourable members representing the scheduled castes and the Indian Christian community. The question is why this was done.

Minister for Revenue : The position is this. The Deputy Secretary had under instructions from the Premier and the Financial Commissioner, Development, asked the local officers as well as certain people belonging to the scheduled castes to send in the names of those persons who could be considered for the grant of land. The land has not yet been granted to A, B or C. The list would finally be made by the Deputy Commissioners and on their recommendation it will come to the Financial Commissioner through the Commissioners and afterwards the Financial Commissioner will decide the question.

Mr. Speaker : Is not Government responsible for the acts of its officers ?

Minister : Certainly.

Mr. Speaker : If an officer writes such a letter to particular members, is not Government responsible for it ?

Minister : Yes.

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : As a matter of fact no particular instructions were issued by the Government as to whom the letter should be addressed. The Government have got the perfect right to select the method by which they could pick up suitable persons to grant land on seed growing condition. The Development Secretary adopted the method of asking the Deputy Commissioners of the districts to send in the names of suitable candidates. Certain individuals were also addressed who, the Development Secretary thought, would take interest in the matter and take the trouble and help the Government in suggesting suitable names to be considered. No power was given to any member of the scheduled castes. It was not that anybody so recommended by any of the honourable members, whom the letter was sent, would be granted land. I therefore submit that there is nothing illegal or illegitimate in the method adopted by the Government. Government have got a right to adopt any method they like for selecting suitable persons for allotment of land.

Mr. Speaker : The question is whether all the honourable members to whom the letter was addressed are members of the Unionist party ?

Parliamentary Secretary : All the members of this House cannot claim the right that the Development Secretary or Government should inform them whenever they are allotting land. So, I do not see how this House can complain that their rights have been ignored. The Government may write to twenty or fifty or to any number. The letters are not written in their capacity as members, they are written in their individual capacity and not as M. L. As.

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, to discuss the discrimination and favouritism shown by the Executive as disclosed by D. O. No. 631-C, dated the 8th February, 1940, asking some members of the Ministerial party to recommend persons of their choice for interviewing the Director of Agriculture on 23rd February, 1940, regarding grant of land to scheduled castes and Indian Christians on seed growing conditions at Yusafwala in district Montgomery. Honour,

[Mr. Speaker.]

able members who are in favour of leave being granted will please rise in their places.

(As more than 85 members stood up in support of the leave being given, Mr. Speaker fixed 4-30 p. m. for the discussion of the motion).

EXCISE (AMENDMENT) BILL.

Diwan Chaman Lall (East Punjab, Non-Union Labour) : Mr. Speaker, yesterday we did not conclude the debate on the Punjab Excise Amendment Bill. I was in possession of the House. I was stating that I did not consider there was any justification for a measure of this nature, and I asked my honourable friend the Minister for Development to give the House the benefit not only of his views and opinions in regard to this measure but certain facts and figures which would enable this House to come to a considered decision regarding the advisability of this measure, and I do now complain, Mr. Speaker, that the House was kept completely in the dark in reference to—

- (a) the desirability of this measure,
- (b) the interests which were at the back of this measure, and
- (c) the actual effect of this measure, how it would be operative and whether the punitive section of this measure was really practical politics.

And I do also complain and state that instead of putting every pressure that the Government can, in view of the resolution that has already been adopted by the House in reference to prohibition, instead of putting every pressure that my honourable friend can put upon this trade, the promulgation of this law will far from interfering with the trade make it easier for this trade to increase its profits and to spread its net far and wide throughout the province. I say this advisedly, because during the last few years, as my honourable friends are perfectly well aware, this trade has increased and during 1937-38, I speak for the moment from memory, I think the department itself considered that they had achieved the highest mark in revenue from this trade. My honourable friend, the Finance Minister should note the actual figures in reference to this trade and if he has at all any doubt, may I draw his attention to the actual facts?

To begin with, Mr. Speaker, the total gross revenue from this trade—and the reason why I am dealing with this matter is because this measure which my honourable friend is wanting to pass will also further affect the position, there will be more consumption of liquor, there will be more demand for it and there will be every effort made by my honourable friends departmentally to help the liquor trade to increase itself throughout the province, that is the reason why I am referring to this particular aspect of the problem—the gross revenue was Rs. 1,14,77,391 during the year 1937-38. The administration cost was Rs. 5,24,661 and the net profit after deducting the cost of opium purchased by the Government and then resold was Rs. 95,61,972. This is a tremendous sum. According to the Administration Report, this sum represented the highest revenue earned or net profit earned by the department for several years. That is a very

serious fact, Mr. Speaker. On the one side, this House calls upon the Government to try and bring about prohibition in the province. On the other hand, far from any steps being taken by the administration to make effective that demand of this legislature, my honourable friend's coffers are replenished with the highest revenue earned during several years out of this trade. How has it been achieved? Most of the income has come out of the sale of country liquor. The Amritsar Distillery which is one of the biggest in the province sold as much as 259,000 L. P. gallons of country spirit. It is that particular class of people who drink this liquor who should be the special care and protection of my honourable friends. And now my honourable friend brings forth a measure—probably without due and proper consideration, I am prepared to grant that—he brings forward a measure the effect of which is going to be to cheapen this commodity which this House has recorded should not be available to the consumers. The total increase in consumption between the years 1936-37 and 1937-38 in L. P. gallons has been 47,330 and by this measure there will be a further increase in consumption. There will be no doubt an increase in consumption of country liquor, but on the contrary my honourable friend goes out of his way to cheapen the vessels in which this liquor is contained, for the benefit of the distilleries. Why he does it is a matter I am completely in the dark about, and that is why I suggested that my honourable friend might have enlightened this House as to the reasons that made him bring forward this measure.

Now, let us look at the number of shops that sell this particular type of liquor to see whether there has been any decrease. In 1933-34 the number was 674 and in 1937-38 the number was 735. This is indeed prohibition in action under the present Government! This is how the mandate of this Assembly given to my honourable friend over there is being carried out by him! And this particular measure is again evidence of how the mandate of this Assembly is being flouted by this administration. The verdict of this Assembly was quite definite, clear and precise. Far from giving effect to that verdict, they are attempting to help this liquor trade as much as possible for the benefit of a few vested interests. The Excise Report does mention a fact which may be of interest to several honourable members, namely that "last year's figures under the head consumption were inflated by large purchases by candidates for provincial elections for the benefit of voters". (*Laughter*). It is quite possible. It would be really interesting to know where the Excise Department got this information from. But since it is mentioned there in the report there must be some substance in it. I say again, I do not know what justification my honourable friend has in bringing forward this measure. There are distilleries in Amritsar, Rawalpindi, Karnal, Shujanpur and Solan. These distilleries between themselves produced something like 462,270 L. P. gallons in 1936-37 and in 1937-38 they produced 509,600 gallons. It is these five distilleries that are going to be affected by this legislation. Are we going to give extra advantages to these vested interests which are already making tremendous profits? Because it must be remembered that any increase in the consumption of even a gallon of liquor must put more profits into the pockets of these *entrepreneurs* who are running this industry. Of these two are foreign concerns with probably a good deal of Indian capital.

[Diwan Chaman Lal.]

shared probably by my honourable friend's supporters from the electoral point of view. But the fact that they are the supporters of my honourable friend over there is no reason why he should flout the opinion of this House, and go out of his way to assist an industry which he is under a mandate not to assist but to further hamper with the object of bringing in prohibition eventually in the province. I am sure the Honourable Finance Minister who is piloting this measure will be hard put to it to justify the action that he is taking.

Now, let me turn to the measure itself. The Preamble of the Punjab Excise Act says—

Whereas it is expedient to consolidate and amend the law in the Punjab relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs; it is hereby enacted as follows :—

Where does the bottle come in this preamble? Therefore the point arises which is worthy of consideration whether the preamble of this Act should be altered in order to bring in bottles also as part and parcel of this Act. Under sub-clause (6) of clause 3 an excisable article means (a) any alcoholic liquor for human consumption; or (b) any intoxicating drug; or (c) any medicinal or toilet preparation containing alcohol. The question arises whether the bottles also will come under the definition of excisable articles. I submit that there is no justification for my honourable friend to violate the existing law and bring even a bottle under the definition of excisable articles. How can a bottle be brought under the definition of excisable articles? Then, coming to the definition of 'excise bottle' my honourable friend says it means—

a bottle of such type or description as may be or may have been at any time permitted for the bottling of liquor or beer by rules made under this Act.

He also suggests the inclusion of these excise bottles in sections 58 and 78 of the Excise Act. What will be the result? Under section 78 he will get power to confiscate bottles of the types which he lays down should be utilised for this particular purpose. How is he going to confiscate them? Suppose he frames a rule to the effect that if my honourable friend sitting to my left, Dr. Sir Gokul Chand Narang who has a bottle of this particular description in his house which may have been brought into his house by a servant who has been so pampered by the present administration that he is freely allowed the consumption of country liquor, suppose that bottle exists in my honourable friend's house and he negligently refuses to hand it over, then what will happen? The Finance Minister can order the minions of the police to enter the premises of Dr. Sir Gokul Chand Narang and confiscate the bottle and also punish him with a fine up to Rs. 200. This is indeed a most extraordinary proposition! Suppose my honourable friend has got a bottle of the description referred to in this measure, it is his private property, he has paid for it, then the Honourable Minister will say, 'It is my right as a dictator to demand the return of the bottle to such and such a distillery. If you do not comply with my order my police sub-inspector will enter your premises, search your house for this bottle and confiscate it and further you will be fined for not returning it'. If that is not the correct view of this measure, I would like to be enlightened

by the Honourable Finance Minister. Let us have a look at section 78. It says—

Whenever an offence punishable under this Act has been committed ;

- (a) every intoxicant in respect of which such offence has been committed ;
 - (b) every still, utensil, implement or apparatus and all materials in respect of or by means of which such offence has been committed ;
 - (c) every intoxicant lawfully imported, transported, manufactured, had in possession or sold along with, or in addition to, any intoxicant liable to confiscation under clause (a) ;
 - (d) every receptacle, package and covering in which any intoxicant, materials, still, utensil, implement or apparatus as aforesaid is or are found together with the other contents if any of such receptacle or packages ; and
 - (e) every animal, cart, vessel, raft or other conveyance used in carrying such receptacle, package, covering or articles as aforesaid ;
- shall be liable to confiscation.

I submit that my honourable friend should have considered this measure carefully and gone into it with his Legal Department. I am afraid there is no separate drafting department attached to the Government to deal with such matters. I think it is necessary that my honourable friend should have a drafting department which would deal with such things, and which would be able to give him the necessary advice in regard to such matters. This is not merely a drafting matter. This is a matter of principle. The first principle involved is this. Are we to waste a great deal of the time of this House and of the public ; and are we to delay important legislation merely because five distilleries in the Punjab demand that certain bottles which they utilize for the purpose of selling liquor should be returned to them at a cheaper rate ? I would ask my honourable friends here, my Muhammadan friends in this House, who are naturally against any increase in the consumption of liquor in this province, I would ask each one of them, will they accept the proposition which would mean more consumption of liquor ? (voices : No, no.) I would ask them whether they would accept the proposed legislation which would make easier for the liquor trade to ply that trade, which would make it more profitable for that trade to ply that trade ? I submit that this is one of the very fundamental principles that is involved. I would ask my honourable friend to remember that such matters should be discussed and ought to be discussed, all such matters which are likely unnecessarily to waste the time of the House, should be discussed with this side of the House, before they are brought before this House. It was necessary for my honourable friend to have this convention adopted, namely, consultation with the opposition in regard to such legislation. After all this is not a question of agrarian *versus* urban. This is not a question of Unionists *versus* Opposition. This is not a question of Unionist Party *versus* Congress Party. In this question purely and simply only two principles are involved, namely, one, are you going to help the liquor trade and the second one is, are you going to utilize the time of this House in order to help the 5 big industrial concerns in this province, in order that they may be able to make more profits ? I think it is a very wrong principle to adopt. I think my honourable friend would be well-advised to withdraw this measure. Is the liquor trade in the Punjab incapable of earning decent profits or incapable of paying even 200 per cent. profits ? It is alleged that it would be a burden on them if the bottles that they have

[Diwan Chaman Lal.]

utilized are not returned to them. They are making very large profits in the province. A very large quantity of beer and such other things are required for the British Army. I think this particular trade would necessarily benefit a great deal more now than it has done in the past. This trade is a very rich trade, an enormously profitable trade in this province. Am I to consider that these concerns are incapable of looking after their own interests in view of the fact that the prices of bottles which they used to import from foreign countries have gone up by 200 per cent. ? If they are capable of looking after their own interests, and if they are making enormous profits, why then, should my honourable friend become the henchman of this trade, or undertake a duty, which lies upon their own shoulders to perform ? Why should they become an accessory before the fact ? Sir, I ask and pause for a reply from the Honourable the Finance Minister, who will have to act as the step-father of this measure, and the Honourable the Development Minister, who is apparently the real and legitimate father of this measure, I ask both of them to satisfy the House in regard to the points that I have raised.

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

That the Punjab Excise (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 15th of May, 1940.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural) : Sir, I wholeheartedly support the motion that has been moved by my honourable friend Diwan Chaman Lal. Personally I consider this Bill to be another step—another act I should say—of reckless folly on the part of the Government and of callous indifference to public opinion. What is the justification for this measure ?—That the import of bottles from Germany has been stopped and the import from England has become uncertain and costs more on account of the war. If it were a war exigency or a measure which was intended to help the British Government or our Government to win the war, there would probably be no objection, because I for one want that this war should be won by us. But is the cheapening of bottles going to win the war ? If a Bill were brought forward, for instance, that any piece of iron and steel or any explosives like sulphur, nitre, gun cotton or picric acid or some other such explosive wherever found should be confiscated by the Government or should be surrendered to the Government, there would be much less objection to it because those articles would be required for supply of munitions. But so far as these wretched beer bottles are concerned it is very difficult to see how these bottles are going to win the war. We have heard of certain riots in which soda-water bottles are used by rioters to break each other's heads (*laughter*) but I am not sure if these liquor bottles are going to be used for the purposes of war or that the British Government or the Government of India have been reduced to such straits that beer and liquor bottles are going to be used instead of guns and rifles. No such emergency has arisen. During the last war, which lasted for four years, the same thing must have happened. Many things became very rare such as quinine and other drugs and various other articles which were imported from Germany and other countries of Europe commanded very high prices and yet, so far as my recollection goes, no such

measure was ever brought forward by the then Government in any province or by the Central Government. Here it seems that the war is producing curious results. It has become necessary on account of the war to stop elections, it has now become necessary to collect all the bottles from all houses by force of law so that the war may be won. My honourable friend Diwan Chaman Lall has discussed various aspects of the question and I would not like to repeat a word of what he has said but I would confine myself to one or two remarks in connection with this matter. The first is, in whose interests are these bottles going to be collected? They are going to be collected in the interest of two parties—either the distillers or those who consume the liquor. Diwan Chaman Lall has pointed out that the distillers are sufficiently rich and they can afford to pay enhanced prices. Even if we take it for granted that the price of the bottle has risen by two hundred per cent., what does it mean after all? A bottle imported from Germany probably cost two pice while a bottle now imported from England might be costing six pice. A person who can afford to spend Re. 1-8-0 or Re. 1-12-0 I do not know the exact price of a bottle of country liquor, it may be Rs. 2-8-0 I do not know—the same person can spend half an-anna or an anna more. Why should these distillers—whoever they are; I am speaking impersonally—be given this subsidy? Why should these bottles be supplied to them without any cost? It is not an article which cannot be had without force of law, without compelling anybody. Let the people who want the bottles just issue a notice that they are prepared to pay six pice per bottle and I think all the poor people will go round from house to house and collect all the spare bottles—as some *kawarias* do now—and take them to the breweries after they have been properly cleaned. This is so far as one party is concerned. As regards the other party, that is, the party of drunkards or those who are given to drinking country liquor, why should they be helped? Why should liquor be cheapened in their interest? *Kia Muslim arkan is amr ke khwahish mand ho sakte hain kih sharab sasti ho jae our log ziada pine lagen?* I think they would certainly consider this question and would not do anything which may encourage the larger consumption of liquor. It is, therefore, not in the interest of any one to secure these bottles either without price or at a reduced price. There is another point and that is in the Statement of Objects and Reasons. It is said that the bottles can be easily identified. Personally, if the bottles are placed before me I will not be able to tell you whether a certain bottle has ever been used for containing liquor or it has been used for some medicine. I still do not know what the mark is that these excise bottles bear and if people who have had many occasions to see bottles, cannot identify at a glance whether a bottle is an excise bottle or not, how can it be expected of poor ignorant people in the villages as well as in the towns that they would be able to identify an excise bottle and distinguish it from other bottles? It is placing people in a most dangerous position because it has been pointed out that once this Bill is passed into an Act and a bottle is declared to be an excisable article, people would be exposed to searches and other annoyances. We are already familiar with the actions of the officers of the Excise Department—not all of them but many of them—and we know how false excise cases are concocted either by the Excise Department people or by those who want to satisfy a grudge against their enemies. It is the easiest possible thing to say that there are so

[Dr. Sir Gokul Chand Narang.]

many excise bottles in such and such a house and inspite of a notification having been issued so and so has not surrendered them, which he is required to do under the rules and, therefore, it would be quite open to an officer of the Excise Department or a police officer to go into that house, get hold of those bottles and challan the man for not having complied with the rules issued under this Act and the fine, as has been pointed out, for such an act of omission or commission is no less than two hundred rupees. From this point of view also I think it is foolish to bring forward such a measure. In every house used excise bottles are used for various purposes. There are servants in the house who want to bring mustard oil and they take a bottle and bring oil in that bottle. It is kept in the house. Motor drivers want distilled water and that is stored in some kinds of bottles which may be excise bottles. You may have to store some honey and excise bottle may be used because people do not know the distinction between an excise bottle and another bottle. So people, without their knowing that they are committing an offence, might be hauled up under an offence. This is taking undue advantage of people's ignorance and exposing them to unnecessary danger. I would ask the Honourable Minister in charge whether any one of them has considered the possibility or advisability of manufacturing bottles in the province itself. Why go about begging from door to door and collect these bottles practically at the point of the bayonet? I know that there is a glass factory in this province in Ambala. I have visited it more than once and I know that it is capable of turning out very good stuff. I also know that the proprietor of this factory, Rai Bahadur Panna Lal, has been very anxious to manufacture excise bottles and he has been approaching the Government for help to achieve that object. He is prepared to enlarge his factory and is willing to invest as much as he can afford, but as more capital is required, which he and his friends up to this time have not been able to collect, he has been approaching the Government. In the olden times the policy of the Government was different and the Transferred Departments had no power to give away any money without the concurrence of the Finance Department. Now, every department is transferred and the Honourable Minister in charge of Excise—I thought it was Sir Sunder Singh, but it is the Honourable Finance Minister, so much the better he is in charge of both the departments—should find no difficulty in financing an industry like this. People would drink and distilleries have to continue, and unless the Government take a bold step and introduce prohibition and stop the manufacture and consumption of liquor, drinking will continue and when there are people in lakhs who have to consume liquor, steps must be taken for procuring sufficient quantity of bottles. The sanest thing and I may go further and say the easiest thing is to make your own bottles. Perhaps the Honourable Finance Minister would explain to the House whether he has ever been approached by Rai Bahadur Panna Lal in connection with this matter and if that gentleman has approached him and made a request for financial assistance, what decision was arrived at by the Government. If the Government has been hesitating or has refused to help him on account of financial stringency, as it may say with some justification at the present moment. I would still say that it would be much better if they spare a few thousand rupees, may be, fifty

thousands or one lakh or two lakhs, and advance that money to Rai Bahadur Panna Lal to enable him to enlarge his factory and to manufacture these bottles than introducing a silly measure like this. Every one would laugh at it. I endorse the suggestion made by Diwan Chaman Lal that the Honourable Minister in charge would even now do well to withdraw this measure. It will serve no useful purpose. After all how many bottles can be collected in the province? Hundreds, thousands and lakhs of them break and the labour of collecting them might be even more than the price of bottles themselves. If they cannot be collected, well, who is going to suffer? Nobody is going to suffer. The war is not going to be lost because liquor bottles are not being imported in sufficient quantity from England or Germany. I would repeat the suggestion that has been made that this Bill should be killed at this stage and the time of the House should not be wasted. If the Honourable Minister is not prepared to withdraw it, the next best thing he can do is to take the people of the province into confidence and ask them whether they are prepared to welcome a measure like this. I am sure he will find that there is not a single person outside the Ministerial benches who would have one word to say in favour of this measure. With these words I support the motion of Diwan Chaman Lal.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu): Mr. Speaker, I fail to understand the importance of this measure. Why this Bill has been given preference over others is beyond my comprehension. The Report of the Unemployment Committee in which the whole of the province is interested has been dismissed within half-an-hour and the Punjab Primary Education Bill which has been hanging fire for the last two years has also been postponed. But it is really strange that the Bill concerning the collection of liquor bottles is being preferred to every other measure. It is stated in the statement of objects and reasons that about 200,000 dozen bottles are annually imported into the Punjab from Germany since 1920. It means that $\frac{1}{4}$ th crore bottles are annually imported. If we estimate the number of bottles imported during the last 20 years, we will find that about 5 crores bottles must have come into the Punjab by this time. Even if one-fourth of these bottles are broken, the remaining must number about 3 or 4 crores. The question before the Government is as to how these bottles should be received back from the public for the distilleries. With this end in view the Government have sponsored the present measure. My honourable friend Diwan Chaman Lal has already drawn the attention of the House to the various amendments that have been proposed in the Excise Act by the Government. If those amendments are accepted, section 4 will read so as to render every receptacle containing liquor or other intoxicants liable to confiscation. The effect of that would be that if an innocent villager starts with a small bag containing such bottle his bag will be liable to be confiscated while the poor fellow might have brought that bottle for putting some oil into it. Supposing the villager in question is riding on a mare, then that mare will also be liable to confiscation. Well, Sir, I am a layman and I do not claim to be a lawyer. But I can very well understand the dire consequences which would follow if the amendments proposed in the Bill are accepted. Mr. Speaker, just consider whether it is fair and reasonable that for the possession of a mere bottle which hardly costs one anna or a few pice, a person should be subjected to

[Mr. Dev Raj Sethi.]

such hardships inasmuch as his other articles are made liable to confiscation along with the bottle. Now the definition of an excise bottle as laid down in the Bill, reads as follows :—

“(6-a) ‘excise bottle’ means a bottle of such type or description as may be or may have been at any time permitted for the bottling of liquor or beer by rules made under this Act.”

You will observe that under the rules of the Act, it is being demanded that all sorts of bottles which have been permitted to be used for liquor or beer purposes during the last 25 years should be returned to the distilleries, otherwise the contravention of the rules would be fraught with serious consequences. I am of the opinion that if this amending Bill is passed, it would cause immense harassment and inconvenience to the public. If I may be permitted to say so, the Honourable Minister wants to play the role of Julius Caesar whose memorable words, ‘I came, I saw, I conquered’, have become proverbial. He says, “Here this Bill is introduced, it should be discussed clause by clause and passed at once.” He is in such a hurry that he would not like to elicit public opinion on it, nor would he refer it to a select committee. He is afraid lest some alterations should be made in the Bill with a view to effecting improvements in it. I am of the opinion that he should not act in indecent haste.

Then, Sir, other provincial Governments have sacrificed their revenues to the tune of crores of rupees with a view to introduce prohibition and eradicate the evil of drinking. But here in the land of five rivers instead of introducing prohibition, the Government have brought forward this measure. They claim that if this measure is not enforced, illicit consumption will increase. They do not want to prohibit the use of liquor but to prevent illicit consumption and that, too, in a novel way. But what is the method they want to adopt? They want the liquor to be bottled in excise bottles. I am of the opinion that stringent measures should be adopted by Government to put a stop to the nefarious practice of illicit distillation which is being carried on even in broad day-light. The other day I was simply surprised to read the report on the excise administration in the Punjab for the year 1937-38. I may quote an extract for the information of the House.

“The ingenuity of offenders who have not only shifted their activities from houses to fields, but have also changed the time of their activities from nights to broad daylight, has, as observed by the Deputy Commissioner of Amritsar, rendered the work of detection difficult.”

Now, Sir, when this is the state of affairs in the province, the Government should have vigorously pushed through their prohibition programme in order to combat this evil. But in what manner do they want to bring this situation under control? They want that the excise bottles in the whole of the province should be returned to the distilleries.

Again, Sir, we are surprised to see the Honourable Minister's resourcefulness with which he wants to acquire accurately sized bottles for the purpose of bottling liquor. He is fully aware that the bottles which were chiefly imported from Germany, cannot be made available on account of war, nor can they be had from England owing to 200 per cent. higher price. But he has lost sight of the fact that this is a golden opportunity for the Government to set up a factory for manufacturing excise bottles. I am

rather of the opinion that this is the most opportune time for giving a fillip to the glass industry by subsidising it, if Government have no inclination to establish a factory of their own. There is no gainsaying the fact that the market is a secure one. The demand for such bottles is enormous. No less than 200,000 dozens of bottles are annually required by the distilleries. I may also point out that even if Government are reluctant to start a factory for this purpose, the bottles can be easily collected without any legislation. If it is advertised in the newspapers that excise bottles which generally cost one anna, would be accepted at two annas each, I may assure the Honourable Minister, that every bottle in the province would be offered in no time. But thanks to the ingenuity of the Honourable Finance Minister, valuable time and public money is being wasted unnecessarily for the acquisition of petty things. I am of the opinion that if the Bill is withdrawn, Government would win the approbation of one and all. I quite agree with my honourable friend Diwan Chaman Lal that Government should not be carried away by false notions of prestige but should withdraw this amending Bill which is not calculated to benefit the people but help the owners of distilleries who are already reaping huge profits out of the liquor trade. I consider this Bill a ridiculous piece of thing. It is possible that it might have been drafted in the Secretariat in haste and the Honourable Minister might not have been able to apply his mind owing to certain pre-occupations. I hope he would rise to the occasion and taking up courage in both hands would withdraw it. I may point out that collection of bottles is not the business of this House. It is the business of *kabarias*. It is true that they want to check illicit consumption. But this is not the way to combat this evil. I would, therefore, appeal to the Honourable Minister for Finance not to proceed with this legislation.

Minister for Finance (The Honourable Mr. Manohar Lal): Sir, I venture to intervene in this debate at this stage in order to remove certain misapprehensions. One honourable member in support of the circulation motion said that there is nothing in the exigencies of the war which could possibly require a measure of this description. I am entirely at one with him. If we bring forward this measure it is not because Government is so foolish as to imagine that bottles which contain country spirit are going to win the war. The member who spoke about war exigencies has been supported in his observations by the honourable member who has just sat down, in connection with the desirability of producing bottles in this province. Here again I find myself in complete accord with the idea put forward by him. The honourable member who spoke immediately before referred to certain glass works of Rai Bahadur Panna Lal and practically said that Government is at fault in not subsidising that industry and that particular factory. I do not wish to enter into that controversy. Perhaps our friend Lala Duni Chand from Ambala would be able to throw some light on that factory. I am not even sure whether the factory is any longer in existence or in what shape it actually exists. But I may be permitted to say this that the making of bottles is not a very easy process. Be that as it may the Punjab Government has been approached recently by certain capitalists to see whether Government could give any particular support or encouragement in the manufacture of these bottles; and may I assure this House that Government will give such support as it is possible to give

[Minister for Finance.]

to any capitalist who can really produce these bottles. I am entirely at one with those members who think that the sooner we produce these bottles or for the matter of that glass articles generally, the sooner we can do it, the better it is for the province. I find myself wholeheartedly at one in the desire of certain members in building up this particular industry.

Let me put away one more matter from our consideration before I proceed to the real subject in hand. It was said by Dr. Sir Gokul Chand Narang that he is not in a position to identify these bottles. I find myself again in complete agreement with him, and I am quite sure honourable members sitting here are also not in a position to identify these bottles, but the mere fact that we are not in a position to identify these bottles does not mean that the ordinary person who is not able to identify these bottles is exposed to the danger of any kind of prosecution or penalty. The scope of the Bill is essentially very limited, an extremely humble one. It lies in a very short compass and has been described in the clearest possible language in the statement of objects and reasons. It is simply this that here for purposes which cannot be avoided, certain kind of bottles are necessary. In the Punjab we have been accustomed to bottles that bear a particular mark and are of a particular size. It is desirable that country spirit should be contained within these bottles bearing a particular specification and having a particular content. There can be no question about it. We are further confronted with the fact that the source of supply of these bottles used to be Germany and that source is now out of the question and bottles cannot be received on good enough commercial terms from England even if they could be imported at all. In these circumstances the question arises, given the fact that a certain amount of country spirit has to be consumed in this province and there is no getting over the fact that it is being consumed, whether for that purpose it is not necessary to have proper bottles—a suitable and adequate supply of bottles for this particular purpose.

Now let me say straightaway that the object of this Bill is not in the remotest degree to help any trade or stand in the way of the progress of prohibition in this province. Nothing can be further from the mind of the Government than to help the brewing trade or the distilleries or to further the habits of drinking. It could not be so. It was only the other day that a member belonging to these benches put forward a motion the object of which was to discourage drinking and it would be within the recollection of every member of this House that Government had no hesitation whatever in accepting that resolution moved by the honourable member from Jhelum. We had no hesitation at all. Let me assure the House once again whatever the strong language that may have been employed in this matter by the honourable members on the other side that we are not here in the least measure, in the slightest degree, to flout any mandate of the House. We stand by that resolution and it shall be our endeavour as best as we can and as circumstances permit to act on that particular resolution. The House knows only too well the extremely difficult circumstances in which we have had to carry the finances of this province. Further the House, I am sure, is far from satisfied with the way in which even given the loss of revenue in other provinces by a certain modicum of prohibition being

introduced, the difficulties of a serious, almost of an insurmountable character have not actually arisen. In those circumstances, it would have been hardly the voice of wisdom hastily and without fore-thought while our brethren in a large part of the province spread over thousands of miles and lakhs in number were in sore distress and anxiety and difficulty, face to face with the spectre of starvation and hunger to introduce or adopt a measure that would mean parting away with a revenue of a crore of rupees, at a time when our revenues had otherwise suffered heavily in consequence of famine.

Mian Muhammad Nurullah : May I ask if Government has done anything whatever for the last two years since the resolution was passed ?

The Honourable Mr. Manohar Lal : I have answered this question on more than one occasion in this House, and if the resolution that has been admitted to be moved more recently on behalf of one of the members been fortunate enough to find a place in the ballot, I would have enlarged on the policy of Government to a greater extent on that issue. But let me again, since the interruption was made, assure the honourable members that we stand and we stand firmly by the mandate of this House which was accepted by us, and there is not the slightest intention to depart from the spirit of the resolution that the House adopted last year. I said, Sir, that this particular measure is a very modest one. A question has been asked, what is the real object of this measure ? I can put it quite easily. The object of this measure can be put in two words. Firstly, to see, whatever our individual inclinations may be, that this trade is placed on a regulated basis. The second object is one in which we are making the best possible efforts despite the ingenuity of our offending friends, to stop as far as we can illicit distillation. At any rate, it is becoming increasingly difficult and it would become almost impossible, if these bottles were not available to differentiate between illicit liquor and liquor permitted by excise. That is our object. Our object is not, as honourable members of the opposite side have suggested in their effort, to make a kind of political capital, as if they were the great champions of prohibition and we were all a number of people who wanted to support and encourage drinking. Nothing of the kind. The object is a simple one—of regulating a trade and making illicit distillation difficult. That is the humble object of this particular measure. And that is the justification of it.

It is said that since bottles can be produced in this province, and it is a very desirable thing to do so, why have this measure ? May I say at once that Government is contemplating with definite encouragement the proposal that has been put forward for the production of bottles in this province. The moment that comes about, there is not the slightest desire that these amendments that are being introduced in the Act to secure this modest object should remain on the statute book for one moment. That is our ambition, it is certainly my wish, and I trust the wish will not take long to realise. It may take a little time to build up the industry, it may take a couple of years to see bottles actually produced in this province. Government will give every help in securing that industry. If Rai Bahadur Panna Lal could do so we might give him support. A question was asked, and I think I might answer it even at this stage, whether it is not a fact, that Rai Bahadur Panna Lal approached me or the Government to help

[Member for Finance.]

him in producing these bottles. I am able to say that I have never been approached with any request for help for the production of such bottles by him. I am not saying anything at the present moment as to whether he would be competent to produce these bottles. I daresay that he would be if the Government were to finance him entirely for this purpose, although honourable members would probably question the wisdom of financing an industry which during the long course of twenty years has not made a complete success of the business. However, whatever that might be, this is a very small and modest measure in a short compass. There is no ulterior motive behind this Bill as imagined in the speeches from the Opposition. Government wishes to give every support to the industry of producing bottles in this country; and when bottles become available in this country there will be no need for this measure to remain on the statute book.

An honourable member : What is the need now ?

Minister for Finance : The honourable member was not present when I explained the need for the measure.

Diwan Chaman Lall : If the Honourable Minister has no objection I should like him to repeat it.

Minister : If the honourable member is really interested he must take the trouble of remaining in the Chamber throughout the debate.

An honourable member : This Bill is evidently intended to help the liquor manufacturers.

Minister : If that is his view of the humble proposition that I have made, I am sorry I cannot help him.

Diwan Chaman Lall : Why cannot the Honourable Minister explain the need for this measure ? Is the liquor trade unable to pay the heavy price for these bottles ?

Minister : No, far from it. This Bill is intended to regulate the liquor trade and avoid illicit distillation. (*Interruptions*). It is impossible for me to carry on this piecemeal discussion. This has become part of the technique on the part of my honourable friend opposite.

Diwan Chaman Lall : The Honourable Minister knows perfectly well that I always give way whenever any honourable member wants to interrupt me.

Minister : I am not prepared to give way. I would if it served any useful purpose. I can only submit my case as clearly as it is possible for me to do.

Mr. Dev Raj Sethi : The honourable member has put only a pertinent question and I do not see why the Honourable Minister should not answer it.

Minister : I have answered that question more than once.

Now, Sir, the object of this Bill, is as I have already said it, is not intended and could not be intended to be a penal measure to harass all and sundry. The object is to encourage those people who collect these bottles to place their collections at the disposal of those who require them.

(*Laughter*). It is easy enough to laugh, but that is no substitute for argument. I may say that this Bill is not intended to harass any odd person who may possibly possess a bottle here or a bottle there. Kabaris who make it their business to collect such bottles would as a result of this measure find it to their advantage to take these bottles to particular consumers of these bottles. That is in short the real position. I have explained very briefly the object of this measure and the method by which the object of this Bill will be carried out. As I have already stated, the very moment an industry is established in this province for the manufacture of the bottles of the description that we require, Government will have no hesitation in withdrawing this particular measure. In these circumstances I do not see that there is any occasion to press that the Bill should be circulated for eliciting public opinion or for the Bill to be considered by a select committee. All the amendments suggested in this amending Bill lie in the shortest possible compass and they are barely three in number. One relates to the definition, the second places the excise bottles alongside the intoxicants for the purposes of the Act and the third contains certain consequences that would follow if a person does not pass on the used bottles to the people concerned. With this submission I have no hesitation in asking the honourable members to proceed with the consideration of the Bill at once and not to defer it out of consideration to any opinions that have been expressed by honourable members on the opposite side.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural): I have listened to the speech of the Honourable Finance Minister with an open mind, but I am sorry to say that it has left me quite unconvinced. I fear that the two objects which he claims for this measure will never be achieved. His first object is to regulate the liquor trade. I dare say that if he attempts to regulate the liquor trade by this means he will upset or unsettle the lives of the people. Last evening when I was reading the Bill I felt astonished that it contained impracticable clauses. If my servant happens to keep an excise bottle with him and he fails to pass it on to the liquor trade the police will at once catch hold of him. Soon thereafter my khansama will run to me and say that my servant has been arrested by the police. Is this the way how practical effect is proposed to be given to this measure? As I said, this will unsettle or unregulate the lives of the people. If a policeman has got enmity with any individual the former has only to leave an excise bottle in the house of his enemy and then the harassment will begin. Further, do you expect the illiterate people to understand this law and immediately return the bottles after use? I therefore think that this is a most impractical method.

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

I am afraid both the Honourable Ministers, Sir Chhotu Ram and Mr. Manohar Lal, do not seem to realize the utterly impractical methods that they are suggesting in this measure. Probably both of them are teetotalers like myself and that is why perhaps they do not realize what this measure would mean to those who take pleasure in drinking.

[Mian Muhammad Nurullah.]

Another very objectionable feature of this Bill is the return of private property to the distilleries from which it is got. To-morrow the Government may come forward with a measure compelling me to return my ghee tin to the shop-keeper after I had exhausted the ghee in the tin. I can cite many more such absurd measures that the Government may bring forward, but I do not propose to waste the time of the House by going into these things. It was mentioned the other day that the Government was putting important measures in this House while we on the other side were not bringing forward such important measures. Is this an example of the important measures which the Government brings forward and which has taken one full day of the House and has cost the Government about Rs. 5,000? My opinion is that this Bill should go into the wastepaper basket at once.

Then, Sir, this is a self-condemnation and censure on the policy of this Government. May I draw your attention to the resolution moved by my honourable friend Subedar Major Raja Farman Ali Khan in this very House. The Honourable the Revenue Minister while giving a reply stated the policy of the Government of India as well as the policy of this Government. I am sure, if you will study this Bill closely, you will find that it goes counter to that policy. Therefore, this is a sort of self-censure. Sir, he also mentioned that the Government have no desire to interfere with the habits of those who use liquor in moderation, this is regarded by them as outside the duty of Government. The Government is not going to interfere with the habits of those who use liquor in moderation; but they are going to interfere that the people should return the bottles, their own property, back to the liquor shops. When the interference with the habits of the people is outside the duty of the Government, then how is the returning of the bottles within the duty of the Government? I will read the passage. It runs as follows :—

The Government have no desire to interfere with the habits of those who use liquor in moderation; this is regarded by them as outside the duty of Government, and it is necessary in their opinion to make due provision for the need of such persons. Their settled policy, however, is to minimize temptation to those who do not drink and to discourage excess amongst those who do; and to the furtherance of this policy all considerations of revenue must be absolutely subordinated.

The speech made by the Honourable Minister has convinced me that our Government is afraid of losing the revenue. The Government has taken no action on the resolution that was unanimously passed by this House. This resolution recommended to the Government to introduce prohibition in 5 districts of the province on an experimental basis. For the last two years this resolution has been on the table of the Government and the Government has taken no action to enforce it. Can the Government quote a single instance where they have introduced prohibition or taken any step in this direction? I am sure they have done nothing and they are not going to do anything. They are afraid of losing their finances. Therefore, I say that the speech made by the Honourable the Finance Minister is absolutely opposed to the reply given by the Honourable the Revenue Minister on that resolution.

About 200,000 dozen bottles are imported annually from foreign countries. But the Government has done nothing to encourage this

industry here. Their sympathy with those people who want to introduce this industry is only a lip sympathy; but their real sympathy is with those who import these bottles from England or Germany. If the Honourable the Finance Minister will guarantee a return, I and several of my friends would be prepared to put in any amount of capital to push this industry. I am sure when the question of encouraging this or any other industry will come, the Government will come forward with many other excuses. How do these special models of bottles stop illicit distillation? Without encouraging illicit distillation you can adopt many methods by which your purpose will be served or achieved. The Bill as it stands should be thrown out. You have got a majority and you can pass it here; but you are afraid of sending or circulating the Bill for eliciting public opinion outside this House. You are afraid that if this Bill goes outside this House, the action of the Government would be condemned by the public.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural): Mr. Deputy Speaker, I rise to support the circulation motion moved by my honourable friend Diwan Chaman Lal regarding this measure. I have very carefully listened to all the speeches made on this motion to-day, and only one speech has been made on behalf of the Government in answer to all the objections made in the speeches from this side of the House; and that speech was made by no other person than the Honourable the Finance Minister, who has been hurriedly put in charge of this measure. His speech was devoid of logic; it was absolutely barren of arguments. When he rose to speak, he said that he was intervening in the debate at this stage and that he had no wish to speak. He wanted to intervene for there had been, to his mind, want of proper understanding of the provisions of this amending Bill. As a matter of fact he himself was lost in a cloud of confusion. It appeared, after hearing his speech, that his brief was not properly understood by him, and that the brief had been hurriedly handed over to him by another lawyer who was really in charge of this measure originally. Mr. Deputy Speaker, I was amazed to hear from the lips of the Honourable the Finance Minister that the object of this Bill was to prevent illicit distillation. Diwan Chaman Lal interrupted him and asked him to definitely state what was the need for this amending Bill and I was amazed to hear from his lips that it was to prevent illicit distillation. He might as well have said that the object of this Bill was to prevent pyorrhoea or plague. There is not the least connection between the returning of excise bottles to the distillery and the prevention of illicit distillation. I fail to understand my honourable friend. He is an able debator, a very logical speaker and a skilled orator no doubt. But to-day the speech made by him was devoid of all skill, was devoid of logic and was barren of all reason. Mr. Deputy Speaker, he said at the very beginning that he was
 at one with us on the point that it was very desirable
 that excise bottles ought to be produced in this province.

3 p. m.
 He was in complete agreement with Dr. Sir Gokul Chand Narang on the desirability of production of excise bottles in this province, but what steps has he taken to see that excise bottles are produced in this province and the necessity for bringing in this silly measure is obviated? What steps did he take to see that these bottles could be produced in this province? He exhibited complete ignorance of the fact whether Rai Bahadur Panna Lal's

[Sardar Hari Singh.]

Glass Factory at Ambala was in existence at the present moment or had vanished. He enquired of Lala Duni Chand to throw light on the point. The distillery interests are pressing my friend to help them in this matter because they are very much worried about the lack of excise bottles which they need very badly in order to bottle their liquor. He has come forward with this measure to help his friends who are interested in distillery business. It is strange that he comes to this House with this Bill without trying to find out whether he can or cannot get these excise bottles produced in the Glass Factory at Ambala or some other place. He expresses a pious wish that he very much desires that these bottles should be produced in this province. He wants to show solicitude for home produced articles, but he has not taken the House into confidence as to whether he has made any genuine or real attempt or his Government has made any effort to get these excise bottles produced in the Punjab or get the same from some factory in some other province. What should he have done? He says that he has not been approached by any capitalist with the request to help that industry for the purpose of producing excise bottles to be supplied to distilleries in the province. It is not so much the duty of the capitalist or of the industrialist as it is his duty at the present moment to go about begging the industrialists and the glass factory owners to help the Government, to help the country, to help the nation to produce these excise bottles when they are not available from Germany because there is embargo on enemy commodities or because they are not readily available at cheap rates from England or from some other country. May I now ask my friend whether any other province of India or the Government of any other province in India has brought forward a similar measure?

Lala Bhim Sen Sachar : The Punjab leads.

Sardar Hari Singh : Has the United Provinces Government or the Central Provinces Government done it? Has Bombay, Bengal, Madras, North-West Frontier Province or Sind done it? Has any other province which has a similar Excise Act on the Statute Book, brought a similar silly Bill in order to secure the return of excise bottles to the distilleries and made excise bottles an excisable commodity as he has done? Government, he said, is contemplating production of bottles in the province but he has not told the House what steps he proposes to take in the immediate future in order to get excise bottles produced in the province so that resort may not be had to the provisions of this Bill. He calls it a very modest measure and he says that it will not cause any taxation to anybody. I put him a definite question. After this amending Bill has been passed if I carry an excise bottle not knowing that it is an excise bottle and if I am detected while in possession of it, will not I be liable to detention and prosecution? Now, he should not turn to his Parliamentary Secretary. I shall give way to him for a definite answer. He said that it will not cause any embarrassment to any individual in the province. If I am in possession of an excise bottle, will it not be liable to confiscation, will not I be liable to punishment under the law? I am prepared to give way to him if my honourable friend wants to clear the point.

Rai Bahadur Mukand Lal Puri : It is a very material question and if the matter is to be decided by the intelligent votes of members of the

House, it is necessary that this House should know if in a case of this nature any respectable person would not be liable to prosecution and consequent conviction and this is a matter which the Government must have at least considered before putting it before the House. Won't you ask the Honourable Minister for Finance to answer such a simple question as that in order to facilitate the debate?

Mr. Deputy Speaker : The Chair has no power to elicit an answer.

Diwan Chaman Lall : On a point of order. May I draw your attention to the fact that even in the Central Assembly over the question of the Public Safety Bill it was held by the President of the Assembly that in view of the circumstances of the case no proper debate could be had on the measure? Can you hold that a proper debate can be had on this measure without the House being in possession of what the intention of the honourable member is? A direct question is put to my honourable friend. My honourable friend having stated that no individual will be harassed, my honourable friend Sardar Hari Singh gives an instance where an individual would be harassed. The House is entitled, the province is entitled to a reply from my honourable friend. On what does he base his opinion that an individual would not be harassed? Surely it is up to my honourable friend to enlighten the House and that is why Rai Bahadur Mr. Mukand Lal Puri appealed to you to ask my honourable friend in sheer courtesy to the House and in sheer courtesy not only to honourable members sitting here but honourable members sitting behind him, to enlighten the House as to what is the Government's intention on this very important point.

Mr. Deputy Speaker : It is for the Honourable Minister to give a reply and answer the question. It is not for the Chair to elicit an answer.

Diwan Chaman Lall : We take it then, Mr. Deputy Speaker, that we can proceed with this debate in the dark without knowing exactly what the point of view of my honourable friend is. Can we proceed with it in the dark and if we do proceed and pass this measure, then the province will know that honourable members have blindly voted for a measure without even knowing what the measure is about and without enlightenment from my honourable friend.

Mr. Deputy Speaker : The Chair has no power to elicit an answer from the Honourable Minister.

Sardar Hari Singh : Mr. Deputy Speaker, perhaps my honourable friend the Minister of Finance is a great devotee of the saying 'Silence is golden'. (*Interruption*) I had a very strong suspicion on hearing the speech of my honourable friend the Minister of Finance that he did not at all know his brief when he uttered the sentence that it was not going to cause any harassment to anybody in the province. Let me ask him for a moment to have the Act of 1914 before him and study this amended Bill in reference to certain relevant sections of that Act, which I shall refer to just in a moment and see whether these sections will not be applicable to the possessor of an excise bottle and whether—when these sections are applied to the possessor of an excise bottle—they will not cause vexation, harassment, worry, detention, fine and punishment to the possessor of an excise bottle,

[S. Hari Singh.]

which he may not at all know that it is an excise bottle. May I ask him to refer to section 68, which says—

Whoever is guilty of any act or intentional omission in contravention of any provisions of the Act, or any rule, notification or order made, issued or given thereunder and not otherwise provided for in this Act, shall be punishable for every such act or omission with a fine which may extend to two hundred rupees.

What does my honourable friend propose to do here? He proposes to amend sections 58, 78 and 3. By amending section 3 he wants to define what an excise bottle is. By amending section 58 he wants to have power to make rules regarding import, export, transport or possession of an excise bottle, not only the return of excise bottle to the distillery, but the import of excise bottle, export of excise bottle, transport of excise bottle or possession of excise bottle. Not only that, but further on he wants to have rules regarding the transfer of excise bottle, price of excise bottle or use of any type or description of such bottle. After amending section 58, he goes to section 78, which relates to confiscation of an article in respect of which an offence has been committed and he wants to add the words "or excise bottle" after the word "intoxicant" wherever it occurs in any portion of section 78, that is, wherever the word "intoxicant" relates to the confiscation of excisable articles, there he wants to add the words "or excise bottle". So, as regards confiscation of excisable articles, this excise bottle will fall under the definition of excisable articles. Now, he will make certain rules regarding import, export, transport, use, possession or price, etc., of excise bottle. Section 68 clearly refers to any rule in the provisions of this Act for which no express or separate provision has been made as regards penalty. So, I would read out section 68 again, so that he may know the exact import, implication and significance of the amending Bill which he does not seem to know at the present moment. He will make rules regarding import, export, possession, etc., of an excise bottle and if any person violates these rules section 68 will apply, which says—

Whoever is guilty of any act or intentional omission in contravention of any provisions of the Act, or any rule—

For example, he makes a rule that by such and such date all excise bottles are to be returned to such and such distillery and when a person omits in contravention of that provision or that rule to return those bottles to a particular place, to a particular officer or to a particular distillery, what happens then? He shall be punishable for every such act with a fine which may extend to two hundred rupees. A poor old lady, a housewife may have got an excise bottle which she may have bought 10 years ago and now she is keeping ghee or oil in it. She does not know that it is an excise bottle. She is ignorant of the law, she does not know the type of the excise bottle and she has been using it for a decade. If an inimically disposed neighbour reports to the police that she has got excisable article in the shape of an excise bottle, then there comes the excise officer, or the police sub-inspector or the revenue officer or the tahsildar or the naib-tahsildar and raids the poor old lady's apartment and takes possession of that excise bottle and confiscates it and then the poor old lady is liable, not only to the loss of that bottle, but also to be hauled up under section 68 of the Punjab Excise Act and she may be fined two hundred rupees, and yet my honourable friend, the great Finance Minister, whose knowledge

of economics is of world fame, has got the audacity to say on the floor of the House that this simple, modest,—not immodest—and humble measure is not going to cause any vexation or harassment to anybody in this province though that lady may be fined two hundred rupees. He will do well in this connection to read carefully sections 46, 47 and 49. All of them will be equally applicable to the possessor of an excise bottle as well as to the possessor of any excisable article like intoxicant liquor or drug. Let me read out section 46, which says—

The Provincial Government may by notification invest any excise officer, not below the rank of a sub-inspector, with power to investigate any offence punishable under this Act, committed within the limits of the area in which the officer exercises jurisdiction.

'Any offence' includes offence of possession of an excise bottle, failure to return excise bottles within a certain date according to the rules framed by my honourable friend and that officer, appointed by the Government, will have the power to investigate that such and such excise bottle has been returned within a specified date or not. He has got the power to investigate other offences also, like possession of liquor or opium forbidden by law. Now, I would refer my honourable friend to section 47, which relates to powers of arrest, seizure and detention of persons by Government officials. It says—

Any officer of the excise, police, salt or revenue department, not below such rank and subject to such restrictions as the Provincial Government may prescribe, and any other person duly empowered by notification by the Provincial Government in this behalf, may arrest without warrant any person found committing an offence punishable under section 61 or section 63—

But that does not relate to excise bottles. Further on—

and may seize and detain any intoxicant or other article—

'Other article' will include excise bottles.

or other articles which he has reason to believe to be liable to confiscation under this Act. Such officer may seize and detain any intoxicant or other article which he has reason to believe to be liable to confiscation under this Act or other law for the time being in force relating to excise revenue and may detain and search any person upon whom, and any vessel, raft, vehicle, animal, package, receptacle or covering in or upon which he may have reasonable cause to suspect any such article to be.

Any motor vehicle, animal, or any other receptacle can be seized and any person detained, arrested and prosecuted and fined who may be suspected to be in possession of excise bottles, if the amending Bill is passed. Moreover, Diwan Chaman Lal in the very beginning of his speech raised a legal objection to this amending Bill on the score that it falls beyond the ambit of the preamble of the Punjab Excise Act, relates only to the import, export, transport, manufacture, sale and possession of intoxicating liquor and intoxicating drugs and excise bottles have got nothing to do with intoxicating liquor or drugs. If it can intoxicate it can intoxicate not us but it may intoxicate those who are in the habit of being intoxicated. The preamble talks of the import, export, etc., of intoxicating liquor and intoxicating drugs. Therefore an excise bottle cannot come under the purview of the preamble. If it can come under the preamble he might as well to-morrow bring in an amending Bill for the return of spectacles, for the return of boots and for the return of fountain pens by amending the Excise Act. Has he, I ask him in all sincerity, tried to understand the full

[S. Hari Singh.]

significance and implication of this measure? When I have specially invited his attention to certain sections of the Act, has he now pondered over its significance and has he thought over its implications and has he made up his mind on the suggestion made by the Opposition? Even now it is not too late to withdraw the measure. Let him try to have these bottles produced by the Ambala glass works or some other factory in this province or elsewhere or get the bottles from the United States or some other country and not bring in the pernicious measure which may cause embarrassment to the poor people at the hands of the greedy excise officers or the police subordinates. Let him consult his colleagues before he proceeds further with the measure.

Begum Rashida Latif Baji (Inner Lahore, Muhammadan Women-Urban) (*Urdu*): Sir, a period of two years has elapsed since a resolution in regard to the introduction of prohibition was passed by this House. The Government was pleased to hold out an assurance to us that in the beginning prohibition would be introduced in five districts and then by degrees it would be extended to the whole of the province. But it is a thousand pities that, not to speak of districts, prohibition has not been carried out even in one single tehsil. If anything has been done in this direction, it is being placed before the House in the form of the Bill under discussion. To my mind the object of this Bill is to double the sale of liquor. Previously the people generally used to drink in their houses. But now when they would come to know that the bottles were to be returned to the distilleries, as their possession would be considered an offence, they would gulp down the liquor like aerated water, while standing in the drinking booths. As the pockets of the drunkards often jingle with money, I am disposed to think that the Honourable Finance Minister intends to get hold of this money through the device of drinking. I may point out that previously the drunkards could save this money to a certain extent. But I cannot help saying that the resolution of which I have already made mention, was passed so that the province might go dry, but the Honourable Minister has put forward an amending Bill which would result in an increased sale of liquor. Sir, the bottles are an article of little value. Government could easily set up a factory for manufacturing excise bottles. I see no justification or expediency in wasting the precious time of the House and the public money over such a trivial matter. I do not think that there was any necessity for introducing a measure with the sole purpose of collecting excise bottles. I may point out that now as it would be an offence to keep an excise bottle, the people would resort to taking cups and *lotas* to the drinking shops. May I know how the law would take hold of them if they take away liquor larger in quantity than can be contained in an excise bottle? Besides, note should be taken of the fact that the labels pasted on the bottles of liquor, as in the case of vinegar bottles, are printed in English. The number of English knowing people, who are addicted to drinking is very small, especially the womenfolk are almost ignorant of this language. It is possible they may put ordinary salt or anything else in the excise bottles which happen to be in their houses. They would not be knowing that these were excise bottles, the possession of which was an offence, under the law. But if a search of their houses is carried, these

innocent women would be liable to prosecution. It would not be out of place to mention that one effect of this Bill would be that wide powers would be vested in the police. The police in order to wreak their vengeance or harass the people, would make the search of bottles a pretext to conduct a search of houses. May I know if this is fair and reasonable? Is it not the height of injustice? To my mind it is nothing short of robbing Peter to pay Paul. I have serious apprehensions that womenfolk would be made the victims of this law. I would request the Honourable Minister to make such a provision in the Bill by virtue of which unnecessary searching of houses would be prevented and also the womenfolk would not be subjected to hardships. (*Minister for Finance*: I hold out an assurance to that effect). The Honourable Finance Minister assures us that he would see that this does not happen. But the difficulty is that there is nothing in the Bill which may ensure that women would not be harassed. May I know how then the Honourable Minister would be able to catch hold of the people possessing empty excise bottles?

Mr. Deputy Speaker: I would request the honourable lady member to go on with her speech.

Begum Rashida Latif Baji: Sir, it is an important matter. I had a private talk with the Honourable Finance Minister in regard to this matter. I want to know how, if he does not permit house searches, he would control the collection of excise bottles. I may submit that the Government is going to enact a measure as a result of which the private houses of the people would be searched by the police. The Honourable Minister has just now pointed out that the private houses of the people will not be searched. If it is so, I ask him what is the use of enacting a measure when the people will not be taken to task for contravening its provisions? If on the contrary the object of placing this Act on the Statute Book is simply to collect empty wine bottles the Government could have issued a *communiqué* that any person who would return these empty wine bottles would get two annas instead of one anna. In this way surely this objective could have been achieved without the creation of yet another penal offence and further interference with the liberty of the subject connoted by the Punjab Excise (Amendment) Bill. In the circumstances instead of enacting a measure of this nature, it would be better for the Government to issue a *communiqué* to the effect that any person or shop-keeper who would return empty wine bottles to the breweries would get double the price of these bottles. I have not been able to understand the significance of the Bill. However, this much I do understand that this Bill is going to bring new troubles for the people. It is going to invest the police with a new weapon, who would use it in order to trouble the public at large. I, therefore, request the Honourable Minister either to refer the Bill to a select committee or circulate it for public opinion. The Bill as it stands, is not useful for the province as a whole. If he thinks that these wine bottles are imported from Germany and therefore the Government do not want to buy them—(*Minister*: They are not available from anywhere)—so much the better that these wine bottles do not come here from anywhere so that the people might stop drinking wine. I may submit that if we do good deeds God will also help us. If to-day a great fillip is given to breweries, to-morrow the Government would bring in another measure legalizing gambling houses in order to augment the income of the province. As the gambling house would be a cause of

[**Begum Rashida Latif Baji**.]

increasing the income of the province naturally a gambling Minister will have to be appointed. (*Laughter*.)

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

Besides, I may point out that I am fully aware of the fact that in order to stop such evils it is necessary for us to sacrifice some of our revenues. But if the Government acts like a good housewife, that is, reduces big expenditure, the pays of those officers who draw very fat salaries and other unnecessary expenses, in that case it can save a lot of money. But on the contrary, if the Government wishes to make money by lending out wine contracts, it cannot serve any useful purpose at all save that the country would head towards disaster. Consequently the economic condition of the country cannot become better. If good laws are enacted the result would be that the people would become civilized and that in its turn would lead them to give up evil habits. According to Islam, Muslims are specially enjoined to keep themselves aloof from five things, gambling, wine, thieving, etc. If the Government so desire they can prohibit at least these three things. But as bad luck would have it, we see that these evils are prevalent in the province and the Government have done nothing to put a stop to them. If to-day prohibition is started in the Punjab, these evils can to a very large extent be rooted out from the province. The Honourable Premier has just now entered the Chamber and fortunately for us he is a staunch Muslim and I request him to listen to me carefully. He is aware of the fact that it is a great sin to drink wine and it is a god-send opportunity for him to start prohibition in the province. On the contrary, if the sale of wine is encouraged in this way, it would instead of discouraging wine drinking increase this evil. (*Premier*: We are reducing drinking habit in the province). But this is not the way to discourage wine drinking, as is being done just now. In my opinion that would not lead to prohibition, but on the contrary in the space of two years much income would also accrue to the Government from this source. (*Premier*: We do not want income from this source).

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

Begum Rashida Latif Baji: Sir, I am saying very good things. (*Laughter*). You are above this evil. I am only advising my brethren to remove this evil from the province. As a matter of fact we always pray God that no one should have a drunkard husband, son or brother, because under the influence of wine men no longer remain men and they lose their sense of perception and consequently cannot distinguish good from bad. A washerman who cleanses the clothes from morn till night wastes his hard-earned money on buying of liquor at night. Similarly other artisans also waste their income on liquor. Generally such people consume country-made liquor for which the Honourable Minister is anxious that its sale may not get decreased on account of lack of empty wine bottles. That is the reason why he has brought forward this Bill so that people should bring back empty bottles to him and he would fill them again and hand them over to those people. (*Laughter*). I appeal to him in the name of God that he should prohibit wine drinking as far as it lies in his

power. He should not provide a new weapon to the police for troubling the public by placing this measure on the Statute Book. It behoves him to withdraw it as it would not serve any useful purpose at all.

Premier : Has the honourable lady member received an urdu version of the Bill now before the House? If so, she should read its last part.

Begum Rashida Latif Baji : There is nowhere written in it that liquor drinking would be stopped. On the contrary, mention is made only of fines, etc.

Premier : It appears that the lady member has not studied the aims and objects of the Bill.

Mr. Speaker : I request the honourable lady member to address the Chair.

Begum Rashida Latif Baji : My submission is that if the sale of liquor is encouraged in this way, the result would be that people would begin to consume it like soda water and thus they would empty the wine bottles and return them then and there. In the circumstances I request the Honourable Minister to withdraw this Bill.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*) : Sir, my honourable sister Begum Rashida Latif Baji has made certain observations during the course of her speech which necessitate my replying to them, as briefly as I can. It seems that she has not received an urdu copy of the Bill.

Mr. Speaker : Has not the honourable lady member received a copy of the Bill under consideration?

Premier : She has now got the copy but probably she has not had an opportunity of reading the Bill. Had she studied the statement of objects and reasons, she would have found out the underlying object of this Bill.

Under the present circumstances people go to liquor booths where open country spirit is retailed and after getting drunk there, they roam about in the streets making a general nuisance of themselves. The Government have, therefore, decided to stop this nefarious trade by requiring all the liquor bottles to be returned to the distilleries, so as to prevent the sale of country liquor in open barrels, which besides increasing its consumption has been a source of much loss to the provincial exchequer. My honourable sister may rest assured that we have also the same object in view as she has, namely, that liquor should not be sold in the form of pegs. But the difficulty is that bottles are not available in the market. Formerly they used to be imported mainly from Germany which source of supply has now dried up on account of the war. When they begin to be manufactured in the Punjab there will be no need to import them from Germany or from elsewhere. This lack of supply has given rise to illicit distillation of country spirit which is being sold in used bottles bearing the excise mark. In order to check this illicit distillation in the province this Bill is being introduced.

Begum Rashida Latif Baji : But that can be done by issuing an order prohibiting the sale of such liquor. No dealer can do so unless you allow him to do that.

Premier : My honourable sister does not know that illicit distillation is carried on in villages. She is a Muslim lady living in a Muslim locality and therefore she does not know that illicit distillers in Majha and Malwa are doing a roaring trade.

Then she has asked us to enforce prohibition. I also desire that we may be able to do so as soon as possible, but we do not want to act hastily in this matter as others have done. When we undertake this job, we will do it thoroughly and will leave no lacuna or loophole in it.

Diwan Chaman Lall : May I interrupt the Honourable Premier ? I should like to know whether he has read the statement of objects and reasons. If he has, then I should like to know where he gets the idea from, that if these bottles stopped coming from German territory there will be no bottles available. All that the statement of objects and reasons says is that if the bottles do not come from German territory there are English bottles and their prices are 200 per cent higher. There is no question that bottles will not be available.

Premier : I have read the statement as I always do before we introduce any Bill. Probably my honourable friend has himself not read it. These bottles bear a particular mark and as the English bottles are more costly the distillers cannot afford to import them, unless we reduce the duty.

Diwan Chaman Lall : If the Honourable Premier had been here during the debate he would have known that the argument was that this was a rich trade and there was no reason why the burden of the extra price should not be borne by that trade. Why should the Government come to the assistance of the trade ?

Premier : My honourable friend is a learned lawyer and he knows that we are bound by a contract and so long as that contract does not terminate we are unable to take any steps.

Diwan Chaman Lall : Are you under a contract to supply the bottles ?

Premier : No, but my honourable friend should remember that if there are no bottles, the sale of liquor is bound to increase. That is why we insist that no liquor should be sold unless it is contained in bottles bearing the excise mark. If that is not done we will lose a considerable amount of excise duty on account of illicit distillation.

Begum Rashida Latif Baji : What is the police for ?

Premier : Perhaps my honourable sister does not know that there are 34,000 villages in this province and even if two constables were deputed to each village we will require no less than 68,000 police constables for tracing these 'moon-shiners'. I am afraid the exchequer will not be able to find money for that purpose.

My honourable sister should realize that the Government have introduced this measure in order to stop the sale of illicit liquor which is being carried on because of the open retailing of liquor due to the scarcity of bottles. But this cannot be done in a moment. The Government

do not possess Alladin's lamp. It is God alone who could create the Earth and Heaven by merely saying *بیّن* 'Be' and it was!

Prohibition was started in Bombay and what has been the result of this measure? Special trains are being run for the benefit of those who needs must have a drink. These people go out of Bombay and as they have very little time at their disposal to indulge in this luxury at leisure, they take more than they used to do on account of being in a hurry to catch the train. In Bombay only 3 per cent of the population are addicted to the drink habit, but the tax is being paid by these as well as by the remaining 97 per cent, which includes the co-religionists of my honourable sister and myself.

On the other hand what we intend to do is quite different. We want to save the poor from acquiring this habit and also intend to take steps for doing away with it permanently.

I, therefore, assure my honourable sister that by enforcing the return of bottles to the distilleries and by requiring that liquor should be sold in sealed bottles only, the Government is trying to check illicit distillation which will have a good effect inasmuch as it will lead to a reduction in the consumption of liquor. I am confident that if she had understood the principle underlying this Bill she would not have opposed it.

An honourable member : I move that the question be now put.

Diwan Chaman Lall : Before you accept the closure motion, may I point out that there are a very large number of members on this side who wish to speak?

Mr. Speaker : The motion under discussion was moved yesterday and I think the House has sufficiently discussed it.

Diwan Chaman Lall : No, Sir. The speech of the honourable member on behalf of the Government has yet to be replied to and besides there are several members of the Independent Party who have not yet participated but who wish to participate in the discussion.

Mr. Speaker : I think the matter has been sufficiently discussed. The question is—

That the question be now put.

The Assembly divided: Ayes 65, Noes 37.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rafim, Chaudhri (Gurgaon).
Afzaalali Hasnie, Sayed.
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.
Farman Ali Khan, Subedar-Major Raja.
Fateh Khan, Khan Sahib Raja.
Fazl Ali Khan Bahadur Nawab Chaudhri.

Fazi Din, Khan Sahib Chaudhri.
 Few, Mr. E.
 Gbazanfar Ali Khan, Raja.
 Ghulam Mohy-ud-Din, Khan Bahadur Maulvi.
 Gopal Singh (American), Sardar.
 Gurbachan Singh, Sardar Bahadur Sardar.
 Habib Ullah Khan, Malik.
 Haibat Khan Daba, Khan.
 Hans Raj, Bhagat.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jagjit Singh Bedi, Tikka.
 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 Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Hassan Khan Gurchani, Khan Bahadur Sardar.
 Muhammad Hussain, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.
 Muhammad Yasin Khan, Chaudhri.

Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Ali Khan Qizilbash, Sardar.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Pritam Singh Siddhu, Sardar.
 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.
 Shah Nawaz Khan, Nawab Sir.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sohan Lal, Rai Sahib Lala.
 Sultan Mahmud Hotiana, Mian.
 Sumer Singh, Chaudhri.
 Sunder Singh Majithia, The Honourable Dr. Sir.
 Suraj Mal, Chaudhri.
 Tara Singh, Sardar.
 Ujjal Singh, Sardar Bahadur Sardar.
 Wali Muhammad Sayyal Hiraj, Sardar.

NOES

Abdul Aziz, Mian.
 Bhagat Ram Choda, Lala.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Hari Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugul Kishore, Chaudhri.
 Kabul Singh, Master.

Kartar Singh, Chaudhri.
 Kartar Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan, Chaudhri.
 Muhammad Hassan, Chaudhri.
 Muhammad Hussain, Sardar.
 Muhammad Iftikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.

Muhammad Wilayat Hussain Jeelani,
Makhdumzada Haji Sayed.
Mukand Lal Puri, Rai Bahadur
Mr.
Mula Singh, Sardar.
Muni Lal Kalra, Pandit.
Partab Singh, Sardar.
Prem Singh, Mahant.

Raghubir Kaur, Shrimati.
Rur Singh, Sardar.
Santokh Singh, Sardar Sahib Sar-
dar.
Shri Ram Sharma, Pandit.
Sita Ram, Lala.
Sohan Singh Josh, Sardar.
Sudarshan, Seth.

Mr. Speaker : Question is—

That the Punjab Excise (Amendment) Bill be circulated for the
purpose of eliciting opinion thereon by the 15th of May, 1940.

4 p. m.

The motion was lost.

Mr. Speaker : The question is—

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

Diwan Chaman Lall : Are we allowed to speak on this motion ?

Mr. Speaker : The original motion and its amendments were simul-
taneously under discussion.

Diwan Chaman Lall : That is why I rose to ask.

Mr. Speaker : The question is—

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

The Assembly divided : Ayes 55, Noes 84.

AYES.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rahim, Chaudhri (Gur-
gaon).
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.
Farman Ali Khan, Subedar-Major
Raja.
Fateh Khan, Khan Sahib Raja.
Fazl Ali, Khan Bahadur Nawab
Chaudhri.
Fazl Din, Khan Sahib Chaudhri.
Few, Mr. E.
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.
Haibat Khan Dahi, Khan.
Hans Raj, Bhagat.
Harnam Singh, Captain Sodhi.
Indar Singh, Sardar.
Jafar Ali Khan, M.
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 Ashraf, Chaudhri.
Muhammad Azam Khan, Sardar.
Muhammad Faiyaz Ali Khan,
Nawabzada.
Muhammad Hassan Khan Gurchani,
Khan Bahadur Sardar.
Muhammad Hussain, Chaudhri.
Muhammad Shafi Ali Khan, Khan
Sahib Chaudhri.

Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Nasir-ud-Din, Chaudhri.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Ranpat Singh, Chaudhri.
 Ripudaman Singh, Rai Sahib Thakur
 Sahib Dad Khan, Khan Sahib Chaudhri.

Shahadat Khan, Khan Sahib Rai.
 Shah Nawaz, Mrs. J. A.
 Sikander 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.
 Wali Muhammad Sayyal Hiraj, Sardar.

NOES.

Abdul Aziz, Mian.
 Ajit Singh, Sardar.
 Bhagat Ram Choda, Lala.
 Bhim Sen Sachar, Lala.
 Chaman Lall, Diwan.
 Dev Raj Sethi, Mr.
 Duni Chand, Mrs.
 Faqir Chand, Chaudhri.
 Hari Singh, Sardar.
 Harnam Das, Lala.
 Jalal-ud-Din Amber, Chaudhri.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kartar Singh, Chaudhri.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mazhar Ali Azhar, Maulvi.
 Muhammad Abdul Rahman Khan, Chaudhri.

Muhammad Ittikhar-ud-Din, Mian.
 Muhammad Nurullah, Mian.
 Muhammad Raza Shah Jeelani, Makhdumzada Haji Sayed.
 Muhammad Wilayat Hussain Jeelani, Makhdumzada Haji Sayed.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mula Singh, Sardar.
 Muni Lal Kalia, Pandit.
 Partab Singh, Sardar.
 Prem Singh, Mahant.
 Raghbir Kaur, Shrimati.
 Rur Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

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

Clause 1.

Mr. Speaker : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Mr. Speaker : Clause 2.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) :
Mr. Speaker, the Government proposes to add the following after clause (6) in section 8 of the Punjab Excise Act, 1914 :—

(6-a) 'excise bottle' means a bottle of such type or description as may be or may have been at any time permitted for the bottling of liquor or beer by rules made under this Act.

Now this definition of an excise bottle is very vague and indefinite. It covers bottles of all descriptions that have been used from time to time for the last 20 years. There is no indication of the exact size of the bottles. How will the ignorant masses distinguish between the various bottles? Only a particular size should have been prohibited. In view of the vague and indefinite definition of the excise bottles, I am afraid the poor people will be thrown at the mercy of the police and the excise officers. The same thing for the Government would have been to prescribe a bottle of a certain capacity or size or colour. To bring in under this definition all bottles that "may be or may have been at any time permitted for the bottling of liquor" is nothing short of confusion worse confounded. I, therefore, hold this Bill to be very injurious to the public at large because no definite size or capacity of the bottle has been prescribed.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural): Sir, my chief objection to this Bill is not so much on the ground of Government partiality for the liquor interests but on the ground of its interference with individual's freedom. In this case, as it has been pointed out, the excisable article is a bottle. Bottles are almost all alike and they pass from hand to hand and though they might originally have been used for beer or wine, subsequently they are all used for oil, *sharbats*, medicine, etc. There is hardly a house or a hamlet in this province which would not possess a bottle. I do not know whether there are any excise bottles in my house because I cannot distinguish them. Is it not necessary, when you are creating a new offence, that the widest publicity should be given to the description of the article for the possession of which one is liable to conviction and sentence by a court of law. May I, therefore, in the interest of the liberty of the individual and in the interest of the freedom of the citizens of this province ask the Honourable Finance Minister to give a description, as correctly as he can and as approximately as he can, of excise bottles which are now in use in the province, so that those of us, who are law abiding and who wish to respect the law, may find out whether there are any such bottles lying in our houses? Not only should he publish an accurate description of the various types of bottles now in use, but he should also give the description of those bottles which, according to the definition, "may have been at any time permitted for bottling of liquor or beer". It may be that beer is being bottled now in a different kind of bottle from what it was 5 years ago or in a different kind of bottle from what it was 10 years ago or 20 years ago. The proceedings in this Legislative Assembly, apart from any other value, have certain amount of publicity value. It is necessary that some description or indication should be given by the Honourable Finance Minister as to what is the nature of the bottle or bottles the possession of which is being made an offence. Unless he does that, a very large number of innocent persons who want to respect the law, will unnecessarily be hauled up.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural): Sir, the definition of 'excise bottle' cannot be included as clause (6-a) for the reason that it is beyond the scope of the preamble of this Act. It runs as follows:—

Whereas it is expedient to consolidate and amend the law in the Punjab relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs, it is hereby enacted as follows:

[R. B. Mukand Lal Puri.]

These two terms, "intoxicating liquor" and "intoxicating drugs" are defined in clause 3 of the principal Act. But so far as the definition of 'excise bottle' is concerned, it cannot find a place in this Act because it will sound strange, so far as other terms in the Act are concerned. It is a well known principle of jurisprudence and legislation drafting that only relevant terms should be defined and anything that is irrelevant should not find a place therein. Later on an amendment may be moved by which excise label may be defined, excise tonga, excise carriage or excise horse may be defined. But the question is whether such terms have any significance in this Act. I have got other objections with regard to different clauses, but I will take them up at the time when the Bill as a whole is taken up for consideration. For the present I want your ruling whether or not this thing is in accordance with the preamble of the Act or whether the definition of a term which has nothing to do with the Act can find a place here? It is for this reason that I have invited your attention to this matter. It is a brief measure. There are also some objections to clauses 3 and 4 and with your permission I will take up clause 4 first. It is an amendment to section 78 of the Act which deals with confiscation of certain excisable articles. Under what circumstances such things can be confiscated will also be clear from the opening words of that section. They are :—

Whenever an offence punishable under this Act has been committed

The words "or excise bottle" are used after the word "intoxicant". Offences have been described from section 61 onward in Chapter 9 and in those offences there is no such offence with regard to the possession of excise bottle, together with its contents, which may be medicine or some valuable thing. So, when there is no such offence, this Bill should have been in a different form. If the possession of excise bottle is to be made an offence, then, another clause should have been added to the Chapter of offences and penalties. In that case I do not think that an amendment would be needed. The opening words of that section are 'Whenever an offence punishable under this Act has been committed' but under the amended Bill, it would be no offence to possess an excise bottle. Even if this Bill is taken as it is and is made a part of the principal measure, then in that case also, even under the amended Act, it would be no offence to possess excisable articles. That is one thing. If it is no offence to possess an excisable article, then section 78 cannot apply because it says :—

Whenever an offence punishable under this Act has been committed
shall be liable to confiscation.

So the method adopted under the conditions under which a thing can be confiscated cannot come into operation when no offence as defined in the Act is committed. So far as amendment of section 78 is concerned, it is meaningless and it will not add anything to the measure. Another amendment is of section 58. That is only with regard to the rule-making power of the Government. The operative portion of the Bill is clause 4 and that is with regard to confiscation of the excise bottles. I have tried to place before the House that no confiscation can take place because it would

be no offence to possess excise bottles. When it is not an offence in that case it is not necessary to introduce any change in the rules. We want rules in order to bring into operation the substantive law and with regard to substantive law you will see that it is not at all necessary, so that the whole clause dealing with amendment of section 58 is redundant and is not to the point. The Bill should be ruled out of order. On this point I hope you will give your ruling so that the time of the House may not be taken over its consideration when it is apparent on the face of it that it does not make out anything.

I might, with your permission, repeat my objections to this measure. It would be no offence under the amended Act to possess excise bottles. When it is no offence according to section 78 it cannot be confiscated, nor its contents, if these are otherwise not objectionable, because according to section 78 only those things can be confiscated the possession of which is an offence. When it is no offence to possess a bottle, there can be no confiscation. What is the idea of having new rule under section 58 of the said Act, that after the word "intoxicant" the words "or excise bottle and the transfer, price or use of any type or description of such bottle" shall be added. The same is the case with regard to excise bottle. My objections are two-fold. In the first place it is beyond the scope of the preamble of the Act. It should have been an independent measure. It does not fall within any of the items of the legislative list which have been given in schedule 7 of the Government of India Act. You will see that there are only two items 31 and 40 of this provincial list and this amending Bill does not come within any of the two rules. I may refer to 31 which says :—

Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opiums and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.

The provincial legislature can make the necessary law and there is already the law, the Punjab Excise Act. Again No. 40 says :—

Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India.

I want to know under which of these items of the provincial list or the concurrent list, the Government could introduce this Bill. There is no other item. You will see with regard to other items, unless there is specific provision in any of these two lists, the Government cannot move a Bill on the floor of the House. Even if the Bill is of an amending nature in that case this amendment is not governed by the exhaustive list which has been appended in the form of an appendix to the Government of India Act.

The other objection is that it goes beyond the preamble of the Bill which only deals with the export, import, manufacture, sale, etc., of intoxicant liquor and intoxicant drugs. My third objection is with regard to amendment of section 78 which would be meaningless because it would be no offence to possess an excise bottle. That is the position. I think it is useless that a Bill of this nature should be introduced in this House.

[R. B. Mukand Lal Puri.]

There are one or two other objections. I want to draw your attention to section 61 of the Excise Act. You will see it says—

Whoever in contravention of any section of this Act or of any rule or notification issued or given thereunder or order made, or of any licence, permit or pass granted under this Act.....shall be punishable for every such offence with imprisonment for a term which may extend to (two years) or with fine which may extend to (two thousand) rupees, or with both.

You will see that Government is not seeking an amendment of the section and therefore there is no such offence. Another objection is with regard to penalty for unlawful import, etc. It has been pointed out by Sardar Sohan Singh Josh that he can also be prosecuted. By a reference to the Excise Manual you will see that in no rule reference has been made to the type of bottle or specified bottle used except that the bottle has got on it the imprint of "Punjab Excise" or something like that. It is for these reasons that the Government has realised the difficulty in its way and there is no such specification of excise bottle which can catch the eye or which can in any way be identified by even a literate person. For these reasons this Bill should have been thrown out long ago. With regard to the other case even technical objections were not taken into consideration. For these reasons I beg to submit that this Bill is not in order. Nor can it be regarded as an amendment of the Bill when it has no connection with the principle of the Bill and when it goes beyond the scope of the preamble of the Bill.

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

ADJOURNMENT MOTION.

DISCRIMINATION AND FAVOURITISM SHOWN TO MEMBERS OF MINISTERIAL PARTY.

Sardar Mula Singh (Hoshiarpur West, General, Reserved Seat Rural) (*Punjabi*) : Sir, I beg to move :

That the Assembly do now adjourn.

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

Before I say something with regard to the adjournment motion I would like to make it clear that I have no quarrel whatsoever with the officer who is responsible for issuing this circular to my honourable acchut friends of the Unionist party. On the contrary the object of my adjournment motion is that since the present Government have assumed office the officers of the various Government Departments have lists of the members of the Punjab Legislative Assembly in their possession and all of them know as to what members belong to the Ministerial and Opposition parties. The object of keeping such lists with them is that these officers only do the work which the members of the Ministerial Party ask them to do. If the members of the Opposition party go to them and ask them to mete out justice to all equally they refuse to do so. Why speak of doing justice they do not even allow these honourable members to see them. In this connection

I wish to relate an instance from my own personal experience. Once I went to see the Deputy Commissioner, Hoshiarpur, and I took along with me an acchut young man who had passed his F. A. Examination. I requested him to provide some sort of employment to that young man. But the Deputy Commissioner replied that as I belonged to the Opposition party and was opposed to the Unionist party, nothing could be done for that young man. (*A voice: Shame.*)

Besides, I wish to tell the honourable members that once the Inspector-General of Police issued a circular to 7 of my honourable friends who are now sitting on these benches and who at that time were with the Unionist party, to recommend young men from the city of Lahore and that he would recruit them in the police. Even that letter was not addressed to me and I do not harbour any grievance against him. But this much I must point out that the officers of the Government should treat all the 175 members equally. It is not necessary for them to show favouritism to the members of the Unionist party and give no information to any member of the Opposition party. Now the adjournment motion tabled by me relates to the distribution of fourteen squares of land. The Government by D. O. No. 631, dated 8th February, 1940, has asked some members of the Ministerial party to recommend persons of their choice for interviewing the Director of Agriculture on 23rd February, 1940, regarding grant of land to scheduled castes and Indian Christians on seed growing conditions at Yusufwala in district Montgomery. I have with me the respective numbers of their individual letters. They are as follows: Bhagat Hans Raj, 628-C, Sardar Gopal Singh, 629-C, Seth Kishen Das, 630-C, Sardar Pritam Singh, 631-C. I am constrained to remark that these letters have been sent to these members to please them and win the support of acchuts through them and to make it known to them that squares of land can be had only through the members who belong to the Unionist party and that nobody cares two pence for those honourable members who belong to the Opposition party. I ask the Government how far this is justified.

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

I may submit that if the Honourable Premier or any other Minister issues any such letter to the members of his party that is a different matter. But if a responsible officer of the Government, who is at present working under the Unionist Government, issues such a letter to the members of the Ministerial party that is a serious matter. He should know that if he is to-day working under the Unionist party to-morrow he can come under us as well. (*Hear, hear.*)

Premier: I rise to a point of order. I have to submit that this adjournment motion is not in order. Unfortunately I was not here when this motion was taken up by you and I am to blame for it, but I beg to submit that this motion is out of order for the simple reason that discrimination and favouritism is alleged, and for that discrimination or favouritism, if there is any, I am personally responsible, because it was under my instructions that certain people were consulted, and therefore if my honourable friends want to make any motion on discrimination or favouritism, it must be against me and for such they must move a substantive motion and not an adjournment motion.

Pandit Muni Lal Kalia (Ludhiana and Ferozepore, General, Rural) : Sir, there are two points involved. The first one is whether a point of order can be raised at this stage when the adjournment motion has been admitted when no such objection was raised at the time leave was being sought.

In the second place, it is not a new idea and my honourable friend has not come up with a new message. We knew that for any act of Government the Ministry is indirectly responsible. In that case we could come up with a no-confidence motion. But this is only a letter written by Mr. Le Bailley and he is a subordinate of Government and therefore if the position now taken up by the Premier is accepted, we will not be able to criticise any servant of Government. We want to discuss that demi-official letter. If it is written under the instructions of the Premier, it is all the more disgraceful. We did not know that it was written under the instructions of the Premier. We only thought that it was mischievous of that Government officer to have written it. It is all the more necessary for us to criticise that Government officer who acted unreasonably under the wrong instructions of the Premier. These instructions do not bind us. We were going to criticise one single act of the Government and not the general policy of Government, and we attach no importance to these instructions of Government. If these instructions were issued by the Premier, in that case the Honourable Premier could say that these are instructions which he issued. Was it a part of his duty to issue the instructions? It was not. If you issue certain instructions, this House is not bound to endorse anything done illegally by you in your personal capacity, and therefore the House is perfectly within its right in discussing this adjournment motion. As I have already stated, this is not the stage when the objection could be raised. Therefore the objection raised by the Honourable Premier should be ruled out.

Mr. Speaker : The honourable member has said so many things that I could not possibly retain them in my memory. May I suggest to him to state his objections one by one so that I may try to express my view on each one of them.

Sardar Hari Singh : May I draw your attention to the fact that once you have ruled the adjournment motion in order and the House has given the necessary leave to move it, it is not in the power of any honourable member to raise a point of order regarding its admissibility at this stage? On that ground the point of order should be ruled out. If the Honourable Premier had any objections he should have raised them this morning when you called for the objections.

Sardar Mula Singh (Urdu) : The Honourable Premier ought to have raised his point of order in the morning which was the proper time for doing so.

Mr. Speaker : The Honourable Premier considers the motion to be out of order because this letter was written under his orders by the official concerned.

Diwan Chaman Lall : Only yesterday the adjournment motion regarding postponement of elections to local bodies was held to be in order and was allowed to be discussed.

Mr. Speaker : But the order of Government is one thing and the order of an individual Minister, be he the Premier or any other Minister, is a different thing.

Diwan Chaman Lall : Before you give your final ruling I should like to be given a chance to speak on the point of order.

Mr. Speaker : Certainly.

Pandit Muni Lal Kalia : With regard to your desire that I should explain my points one by one, I shall do so now. My first point is that the point of order relating to the adjournment motion cannot be raised at this stage. Secondly, this is not a case for moving a no-confidence motion ; because under Rule 40 (2), if a no-confidence motion even if admitted by the House cannot be discussed till after ten days have expired after the leave is given. The very object of the present adjournment motion will be defeated in case we are asked to wait for ten days or more for, by that time the mischief that we want to stop as a result of this letter, would have been committed. Therefore a no-confidence motion will not serve the purpose of the adjournment motion that we have got in view. Thirdly, there is no provision in Rules 41 to 46 relating to adjournment motions which provides that objection can be taken at any stage. The objection which the Honourable Premier is raising just now could have been raised at an earlier stage when you called for objections. It is not an order of the Governor which he can issue at any time to stop a debate on the adjournment motion. If the Honourable Premier failed to raise his objection at the proper time he has only to thank his stars.

Diwan Chaman Lall : A very important point has arisen in regard to procedure. I submit that you should not lightly deal with this point. The first issue that has been raised by the Honourable Premier is that he himself gave the order to the official concerned to write the letter and since he himself gave the order he is responsible and therefore it is a matter for a no-confidence motion and not for an adjournment motion. I take it that that is the substance of the objection that has been raised. Now the adjournment motion has been admitted by you, Mr. Speaker, and the House has given leave to move it. You have also under the authority vested in you fixed the time for the debate. Now, I ask, under what rule is the Honourable Premier competent to ask you to declare this motion out of order because a substantive motion should have been moved ? I submit that the stage at which he could have raised the objection is gone. He had ample opportunity to raise the objection when leave was sought to move the motion. At that time the Minister for Revenue made a speech and his Parliamentary Secretary also made a speech and spoke on the admissibility of the motion.

Minister for Revenue : I explained the case—

Diwan Chaman Lall : Perfectly true. The honourable member also raised his objection which was taken to a division. Surely that was the stage when the Honourable Premier should have raised this objection that the subject should be discussed on a substantive motion and not on an adjournment motion.

[Diwan Chaman Lal.]

The second point which arises is this. This is an adjournment motion and it cannot even after the assurance given by the Honourable Premier be treated as a substantive motion. This is turning the House into a joke, to arrive at a late stage after having taken tea and then to leave the House again and come back again to raise a point of order at a time when he has no right to raise a point of order. I ask my honourable friend to remember that the dignity of the House is more significant. The House is not to be treated as a plaything of my honourable friend. He comes in when he chooses and disappears in a moment when he chooses and again comes in with extra information, with fresh evidence to impress you that what he has suggested is the correct method, the correct attitude to be adopted with regard to this motion. The correct method and the correct attitude with regard to this motion, as has already been admitted is, that it is essentially an adjournment motion. If you will read the terms of the motion you will find that there is inherent evidence in the motion itself that it is an adjournment motion pure and simple and that no question of a substantive motion arises therefrom. What does the motion seek to discuss? The motion seeks to discuss the discrimination and favouritism shown by the executive as disclosed by D. O. No. 681, dated 8th February, 1940. Now the executive responsibility, the administrative responsibility lies in the fact, that the executive, this particular gentleman, issued a letter only to members, who belong to my honourable friend's side, instead of issuing the letter, which he should have done, to all members representing Harijans. He simply selected the Harijan representatives belonging to his party. The discrimination is there. If my honourable friend the Premier later comes and says on the floor of the House that he instructed a particular officer to write a particular letter, whether he was instructed by my honourable friend the Revenue Minister, or by my honourable friend the Development Minister, or he did it of his own accord, we are not concerned with that. What we are concerned with is the administrative responsibility of the Government by virtue of which this letter has been issued by an official of the Government and since the administrative responsibility of the Government can be discussed by way of an adjournment motion, we put in an adjournment motion and you admitted it.

Now, again, may I submit that the responsibility of bringing this motion, according to Parliamentary Practice, also rests absolutely with the honourable member who brings it forward, and my honourable friend after having tabled a motion of this nature, it is certainly up to him to place the necessary arguments before you, which he did and you after having listened to these arguments came to the definite conclusion that the motion cannot be barred out on any ground on which an adjournment motion can be barred out. What are the grounds on which an adjournment motion can be moved? Apart from the matter being of public importance and urgency, there is a very important ground of its being barred out, because a substantive motion should be moved in this respect. Now I submit that nowhere is it laid down in Parliamentary Practice that matter of urgent public importance, which may not necessarily be considered by the Opposition to be a censure or a no-confidence motion cannot be tabled. I submit

that we are concerned here with the administrative responsibility of the Government. A matter of urgent public importance has arisen and this matter is of a definite nature. After carefully considering this particular matter we tabled an adjournment motion and that adjournment motion has been accepted by you and there is no question of a point of order. Therefore, I submit that my honourable friend cannot exercise his right or privilege at this stage.

There is one other point to be remembered in this connection. You will recollect that when the rules regarding the adjournment motion and a substantive motion were made, we made a very emphatic protest, stating that the number should not be as high as my honourable friend has put in regard to these two motions for their admission. My honourable friend did not agree with us. He put 50 as the minimum number for a no-confidence motion. Why my honourable friend at this stage wishes this motion to be converted into a substantive motion or a no-confidence motion is, as he knows, that according to the Division List we are not 50 in number at the present moment, but we are sufficient in number for the purpose of an adjournment motion. Otherwise, if my honourable friend has no objection to this matter being discussed on the floor of this House, why does he raise this technical objection? (*Interruptions.*) I do not know whether this information was or was not before the House. I fail to understand why my honourable friend objects to the discussion of this matter. Why do they take shelter under technical objections? They are not justified in their action. I submit that this motion has been accepted by you as an adjournment motion; this is definitely an adjournment motion and now at this stage we cannot go back and you cannot rule that this is not an adjournment motion but a substantive motion.

I appeal to my honourable friend to safeguard the dignity and the privilege of this House in regard to these matters.

5 P. M.

I ask my honourable friend to do that and not, at this stage, make the rules of procedure, decisions of the Speaker, and decisions of the House ridiculous by the point of order that he has raised.

Mr. Speaker : No further discussion appears to be necessary. I am going to give my ruling on the several points one by one. (*Interruption.*) The first point is whether the adjournment motion having been once held to be in order can be held to be out of order at a later stage. In my opinion a motion, which is held to be in order and allowed to be discussed, can be held to be out of order before it is finally disposed of, that is to say, before ayes and noes are collected and the decision of the House is announced.

Pandit Muni Lal Kalia : My second objection is that a no-confidence motion cannot be moved in a case like the present and the adjournment motion is the only remedy left to the House.

Mr. Speaker : According to Parliamentary Practice as well as our own rules and practice the conduct of certain persons can be discussed and challenged only on a substantive motion. The question is whose conduct can be discussed and by what motion? So far as I can see the order was

[Mr. Speaker.]

not the order of the Ministry in its collective capacity or of the Revenue Member in his individual capacity. (*Interruption.*)

Diwan Chaman Lall : May I say one word? When you accepted the adjournment motion the only evidence we had was the letter itself and there was no other evidence and even now, if my honourable friend says that he did give the instructions, it does not alter the situation.

Mr. Speaker : If the letter was written by the Secretary on his own responsibility and initiation, the Government is responsible for his action and can be criticised by an adjournment motion. According to the statement of the Premier, the letter was written under his individual and personal instructions and not under the instructions or directions of the Ministry as a whole. (*Interruptions.*)

Pandit Muni Lal Kalia : May I know if 150 persons are shot down at any place and the Premier comes forward and says that it was on his order that the people were shot down, will it change an adjournment motion into a no-confidence motion? May I know whether his statement is only sufficient?

Mr. Speaker : Order please. The honourable member appears to be labouring under some misapprehension. What I was saying was that if the letter was written by Mr. Le Bailley on his own initiation or authority, whether the House can discuss his responsibility or not. The responsibility of the Government is there, because it is responsible for the acts of all its servants. The question is when a Government officer does not act under orders of the Minister of his Department or under the orders of the Premier, can his personal responsibility be discussed? The next question is how his conduct or act can be discussed? In the case of Government, if the matter is urgent, definite and of public importance, it can be discussed by an adjournment motion; but if the responsibility is of an individual Minister, then it can be discussed by a substantive motion.

Diwan Chaman Lall : May I, with your permission, intervene? The point that is raised is with regard to individual responsibility of the honourable member. That matter is not now before the House. He may, in the course of the debate, say that it is not Mr. Le Bailley's responsibility, and it could not be Mr. Le Bailley's responsibility. Mr. Le Bailley is merely acting under instructions of the Government or of the particular administrative authority. He could not possibly, under any circumstances, have taken any action of his own accord. He is merely an agent utilised by the administration. All these things would be apparent before us when the debate takes place. That would be part and parcel of my honourable friend's argument in explanation of the action taken by the individual civil servant, but that is not part and parcel of the point that has arisen, namely, the discussion of an urgent matter of public importance arising out of a letter issued by the particular public servant. I submit all that my honourable friend has said he can say in justification of the position taken up by the Government. It does not affect the motion for adjournment. It merely means that instead of saying at a later stage that he himself and not the Honourable Minister for Revenue or the Honourable

Minister of Development, has been responsible for this order, he is saying it now. It does not take away the administrative responsibility of the Government emanating out of the issue on that particular matter.

Premier : Sir, so far as the first objection is concerned, you have very kindly given your ruling and that has been disposed of. Now, as regards the second objection, I submit that a mistake once made can always be rectified. The adjournment motion was admitted this morning under a misapprehension and I wanted to clear up that misapprehension. I have now to submit that it was a mistake. My main concern is that this adjournment motion was tabled against one of the officers of Government for an action for which he is not responsible. My honourable friend, Pandit Muni Lal Kalia, said that it was signed by Mr. Le Bailly. Every order is signed by a Secretary who is authorised to do so. He is not the Minister who issues orders. There is this difference between the action of Government and executive action. Government are responsible for all actions or acts done by their officers. There are acts which they do in their own discretion under some authority legal or otherwise, or under general instructions or standing orders. If an executive officer takes some action, which according to the judgment of my honourable friends opposite he should not have done, they are always at liberty to bring forward an adjournment motion, and then it is the conduct of that officer which is in question, and Government are responsible. (*Diwan Chaman Lal :* Then the administrative responsibility of the Government comes in.) Exactly and that is why I say that the responsibility of the Government is there. The matter in question stands on a different footing. An officer can take action under the ordinary law, for instance, he can take proceedings under the Criminal Procedure Code or other enactments, he can also, according to the judgment of my honourable friends opposite, exceed those powers, then they are at liberty to come forward and say that certain action taken by the officer was not in accordance with the spirit and letter of the law. Since we are responsible for the whole field of administration, any act of any officer of the Government must come within the purview of a particular Minister. Therefore, that Minister must be responsible for acts done by his subordinate officers. That is one thing. Therefore, I have got no objection to the adjournment motion being moved on that ground. Such motions have several times been moved in this House, for instance, when a lathi charge was made, when arrests were made and when some order under section 144 was issued. Those adjournment motions were admitted and we discussed them. There it was not the action of the Ministry itself but it was the action of an official who was under the administrative control of the Ministry. Now, so far as policy is concerned, the Ministry is solely responsible and not the officers. Let me draw the attention of my honourable friends opposite to the wording of this motion. It says :—

....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, to discuss the discrimination and favouritism shown by the Executive as disclosed by D. O. No. 631, dated 8th February, 1940, asking some members of the Ministerial party to recommend persons of their choice for interviewing the Director of Agriculture.....

Apart from the merits of the case, I think it is most unfair and unjust that I should allow the action of an officer to be criticised when he is not responsible for it.

Diwan Chaman Lall : We are not discussing the individual conduct, we are discussing the administrative responsibility of the Government.

Premier : That is why I said that there was distinction between the administrative responsibility of the Government and the individual conduct of an officer. Ministers are responsible for the wrongs done by certain officers. I am sure my honourable friend will now understand that this motion was admitted under a misapprehension. I am certain that it would not have been admitted, if the Ministry had been concerned. It was admitted because the conduct of an official under the control of the Government was meant to be criticised. That is why it was admitted and that is why I submit that it was admitted under a misapprehension. I want to make the position of that officer clear because I have got evidence here to-day. It was on my instructions that he issued that letter. He merely issued it as a Secretary, but the orders were mine and if there was any favouritism or discrimination, as is alleged, it was I who was responsible for it and if this is the case, then my honourable friends, if they want, can criticise me, censure me and bring a no-confidence motion against me. But they should bring a substantive motion and not an adjournment motion. My honourable friend has taken a very uncharitable view of the reason why I have raised the point now. He will get ample opportunity of discussing the policy of Government next week when the budget will be under discussion and the whole field of general administration will be under review. But I think it is most unfair and unjust to allow an adjournment motion to be moved under a misapprehension, and that an executive act for which an official is not responsible should be made the subject matter of an adjournment motion. (*Cheers.*)

Sardar Mula Singh : On a point of order. When the adjournment motion was brought forward in the morning, the Honourable Minister did not raise any objection to its admissibility. Now what proof have we whether the statement which the Honourable Premier is now giving is based on truth or not.

Lala Harnam Das : On a point of order. Sir, we do not know whether the statement made by the Honourable Premier is true. '*Shaid yeh jhoot bol kar apna piche chhurana chahte hain.*'

Mr. Speaker : I would request the honourable member to withdraw the expression.

Lala Harnam Das : I withdraw.

Sardar Partab Singh : You have many times given your ruling that we should not trust any verbal instruction or talk. May I know in this case whether the Honourable Premier had given these instructions in writing or whether they were verbal?

Mr. Speaker : You may ask him that question.

Diwan Chaman Lall : It is not necessary for you to give further evidence. This House has accepted the statement made by the Premier.

Mr. Speaker : I may inform the House that I have just seen the order in writing with my own eyes.

Pandit Muni Lal Kalra : I take it that this was an executive order passed by the Premier. With regard to that I want to invite your attention to Sections 49 and 50 of the Government of India Act to see whether he is authorised to do it. Section 49 is to the following effect :—

- (1) The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any existing Indian Law on any court, judge, or officer or any local or other authority.

Section 50 says—

- (1) There shall be a council of ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

My submission is that we are discussing the executive authority and with regard to that—

Mr. Speaker : Does the honourable member mean that the Premier had no authority to pass such orders ?

Diwan Chaman Lal : May I say one word in reference to this matter ? I thank you for the indulgence shown to the House in regard to this matter. I do submit that my honourable friend the Premier has laid down such an extraordinary proposition that it has to be considered most carefully by you before you give your ruling in regard to this matter. My honourable friend has laid down one proposition which, if it is going to be the basis of the ruling, must be clearly distinguished by you. The proposition he has laid down is that if there is the responsibility of an individual officer involved wherein he may have exceeded his own authority then an adjournment motion is capable of being brought before the House ; but wherein the responsibility of an individual officer is involved under the authority of a Minister then it cannot be an adjournment motion but it must be a substantive motion. I submit that is the proposition which my honourable friend has laid down. If that is going to be the basis I submit that it would be wrong. The question before the House is a very simple question. I do not know how it can be altered in its content or on its merits by the statement of the Premier that he it was who authorised a particular responsible official to issue a particular letter. We are not concerned as to who it was who authorised the official to issue a particular letter thereby causing the administrative responsibility of the government to come into operation. How it came into operation is always a secret of the Government. When we ask them to lay a particular document on the table or some correspondence or instructions given by them to a particular officer they say it is not in the interest of the public to divulge that. In order to take advantage of a point of order even that secrecy maintained by my honourable friend is broken into, but we are not concerned with that secrecy. We are concerned with a particular official no matter under whose instructions he issued a particular letter which we must treat as a matter of public importance and of great urgency capable of being discussed on the floor of the House. Therefore it is an adjournment motion and not a substantive motion.

Mr. Speaker : According to the objection raised by Pandit Muni Lal Kalia, the proposition has been clarified from two points of view. The first, whether this letter was written by the officer, on his own authority and initiation or under instructions, as has been admitted by the Premier. In the first case his conduct can be discussed by an adjournment motion as well as in the general discussion of the Budget, etc. In the second case, that is to say, if he wrote the letter under the instructions of the Premier, he being one of the subordinate officers of the Government, responsibility for his act is on the shoulders of the Premier. In the first case, that is, if the officer alone is responsible, the whole government is responsible for the conduct of the officer and can be criticised by an adjournment motion or otherwise. The further question is whether the Premier had authority to give instructions. There are only two conceivable positions. First, that he had the authority, as he says he has, and exercised it. In that case, as already stated, the responsibility is exclusively and absolutely his and not of any other Minister or Ministers. In the 2nd case, as Pandit Muni Lal Kalia so very ably interpreted the sections of the Government of India Act—

An honourable member : On a point of order—

Mr. Speaker : No point of order should be raised when I am giving my ruling. If the Honourable Premier had no legal authority to give instructions, as he did, he misused his powers and his conduct can be criticised only by a substantive motion. The Honourable Premier has admitted his responsibility and every member of the House should accept his word.

The Parliamentary practice is—

Certain matters cannot be debated, save upon a substantive motion which can be dealt with by amendment or by the distinct vote of the house. Among these may be mentioned the conduct of the sovereign, the heir to the throne, the Viceroy and Governor-General of India, the Lord-Lieutenant of Ireland, the Governors-General of the Dominions, the Lord Chancellor, the Speaker, the Chairman of ways and means.

Diwan Chaman Lal : That is personal conduct.

Mr. Speaker : Private conduct can not be discussed by any parliament, only the official conduct can be discussed.

Diwan Chaman Lal : I meant that private individual conduct on the floor of the House as a member of the Assembly is capable of being discussed as a substantive motion.

Mr. Speaker : Please listen.

Members of either house of Parliament and judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a judge in a court of bankruptcy and of a country court. These matters cannot, therefore, be questioned by way of amendment, or upon a motion for adjournment under standing order No. 10. For the same reason, no charge of a personal character can be raised, save upon a direct and substantive motion to that effect. No statement of that kind can, therefore, be embodied in a notice stating that the attention of the house will be called to a matter of that nature.

Diwan Chaman Lal : Where does this exclude this particular adjournment?

Mr. Speaker : All I say is that the conduct of the Premier cannot be discussed by an adjournment motion.

Diwan Chaman Lall : We do not know anything about his conduct. It may be good, it may be bad (*Laughter*).

Mr. Speaker : The honourable members cannot say now that they do not know anything. The Premier has made a statement on the floor of the House. He has admitted his responsibility and the whole House now knows where he stands.

Diwan Chaman Lall : Let my honourable friend admit it as much as he likes. I am not in the adjournment motion going to discuss his conduct. I have nothing to do with it. I am only concerned with administration.

Mr. Speaker : For which he is responsible.

Diwan Chaman Lall : I do not care who is responsible for it. I am only discussing a particular administrative act. That is all I am wanting to do.

Mr. Speaker : Legally the honourable member is right so far that the whole Ministry is responsible collectively for the conduct of—

Diwan Chaman Lall : You will forgive me when I say that I differ from you. It is seldom that I do, but the proposition that you lay down is not one that I would lay down. There is no such thing as collective or individual responsibility under the new scheme. You will realise that we had a full dress debate upon it and we gave full expression to our views, chapter and verse, in regard to this particular matter of individual and collective responsibility. I am not concerned with that at the present moment. This page 271 of May's Parliamentary Practice has to be read with pages 248 and 249 which deal with adjournment motion along with standing order No. 10. In reference to page 271 which you have been pleased to read out, it lays down certain types of motions which can be made on the floor of the House in reference to certain particular subjects. If, for instance, I desire to discuss the conduct of a judge, I cannot do so by means of an adjournment motion. I must do so by means of a substantive motion. If I desire to discuss the conduct of any honourable members on the floor of this House as members of the House, I cannot do so except by means of a substantive motion. But nowhere is it laid down that the ministerial responsibility of the Government is capable of being discussed by virtue of a substantive motion.

Mr. Speaker : I agree.

Diwan Chaman Lall : Therefore in regard to the adjournment motion tabled by us, you have to read page 248 which says—

Debates on these motions are confined strictly to the matters with regard to which leave to move the adjournment of the house was asked, and the Speaker is bound to apply to them the established rules of debate,—

Leave to discuss this matter was asked and duly granted—

And to enforce the principle that subjects excluded by those rules cannot be brought forward thereon,—

What are the subjects excluded by these rules?

[Diwan Chaman Lal.]

Such as a matter under adjudication by a court of law,—

Obviously even according to our rules that matter cannot be discussed on the floor of the House—

Or matters already discussed during the current session, whether upon a previous motion for adjournment, upon a substantive motion, upon an amendment, or upon an order of the day.

These are the matters which cannot be discussed by way of an adjournment motion.

Mr. Speaker : Also the conduct of members.

Diwan Chaman Lal : I am coming to that. I want you to bear with me. It concerns the procedure of the House. There are certain other matters also that cannot be discussed by way of an adjournment motion. I take it that what I have said in reference to the restrictions to be placed upon an adjournment motion do not exist *qua* the motion now before the House.

Equally, on a motion for adjournment, discussion cannot be raised of any matter already appointed for consideration, or of which notice has been given ;

This is not followed here.

Or which a member has announced during question time his intention of raising on the motion for the adjournment of the house at the close of the sitting.

That also does not apply to us.

Matters arising out of the debates of the same session, or the terms of a bill before the House of Lords, matters of privilege or order, or matters debateable only upon a substantive motion, cannot be submitted to the house under this standing order,—

Namely standing order 10. That is, they cannot be discussed by way of an adjournment motion—

And as on other motions for the adjournment of the house matters involving legislation cannot be discussed.

This is a comprehensive summary of the restrictions that are placed upon an adjournment motion. The only restriction that applies according to you, Mr. Speaker, to this particular adjournment motion is the prohibition regarding substantive motion. Now let us look a bit carefully into what is said about the restrictions regarding substantive motions. If we turn to page 271 of May's Parliamentary Practice, nowhere is it said that the conduct of a Prime Minister cannot be discussed by way of an adjournment motion.

Mr. Speaker : But he is a member of the House.

Diwan Chaman Lal : True, but I am coming to that presently. If you look up the debates of the House of Commons in reference to this particular point you will find that the proposition that I have laid down is correct and the proposition which the Honourable Premier seeks to lay down is incorrect. Here it says that the conduct of the sovereign, the heir to the throne, the Viceroy and Governor-General of India, the Lord Lieutenant of Ireland, the Governors-General of the Dominions, the Lord

Chancellor, the Speaker, the chairman of ways and means, members of either house of Parliament and judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a judge in a court of bankruptcy and of a county court,—the conduct of these people cannot be discussed on an adjournment motion. In the present case I am not discussing the conduct of any member. I am not concerned with the conduct of the Honourable Premier. I am only discussing a matter of administrative responsibility. For instance, if I were to get up and use foul language in respect to another honourable member, you would be perfectly entitled to call me to order. But this conduct of mine cannot be discussed by the House on an adjournment motion. It is only by virtue of a substantive motion that my conduct can be discussed on the floor of the House. But here I do not want to discuss my honourable friend in respect of the present that he has made to me of the information that it was he who gave the necessary instructions. I am not concerned with that. I can even give an assurance that no honourable member on this side will refer either to the Honourable Premier or to his instructions for the issue of the letter. Nor are we concerned with the particular individual who issued the letter. He is absolutely sacrosanct so far as we are concerned. I would deprecate most seriously any attempt to drag him personally into this debate. After all, he has not done anything except to carry out the instructions given to him by a particular department. Therefore neither the conduct of the Honourable Premier nor of the official who issued the letter is involved in this discussion. We have no right to discuss their conduct and we will not discuss it. What is involved in this motion is the administrative responsibility, and we are not barred from discussing it on an adjournment motion. The instructions issued by a particular department regarding certain grants to be made to particular individuals is a matter of public importance which affects the administrative responsibility of Government. Therefore we have got a right to discuss that matter on an adjournment motion.

Premier : My honourable friend, Diwan Chaman Lall, has admitted that so far as honourable members are concerned their conduct cannot be challenged except on a substantive motion. It is obvious that if a member, whether he belongs to this side or that, commits an act of indiscretion or is guilty of a serious lapse either in the lobbies or in the House, he cannot in any way be challenged except on a substantive motion. If this is conceded, then, does he wish to deny me that privilege? I do not claim anything more. I only claim that if I have done any act of commission or omission, my conduct should be questioned only on a substantive motion just as in the case of any other honourable member.

Then, there is the question of policy. In this case also whether the intention is to attack the ministry as a whole or to attack an individual minister, we must follow the special procedure provided for the purpose and that is, we must bring in a substantive motion.

Diwan Chaman Lall : I do not want to discuss the conduct of the Honourable Premier. So far as this debate is concerned he is supposed to be non-existent. I am not worried about him at all in the least. I do not want to acknowledge his existence in this adjournment motion.

[Diwan Chaman Lal.]

In my view he does not come in at all in this motion. What comes in is the administrative responsibility of the Government. Government is not an individual. It is an entity, an inanimate entity; and all that I want to discuss is that inanimate entity. Therefore the question of privilege which the Honourable Premier claims does not arise at all. If he had got up and said something derogatory against another honourable member, then he cannot be censured for this conduct except by way of a substantive motion. There, too, only his conduct as a member will be questioned and not as Premier. In the present case only a matter of administrative responsibility of Government is going to be discussed and that is, showing favouritism to certain members sitting on those benches. That is all.

Mr. Speaker : I have been holding from this Chair that the conduct of a minister cannot be discussed except on a substantive motion, but on page 271 of May's Parliamentary Practice reference is to the conduct of a member of either house of Parliament but not the conduct of a minister. There, the position appears to be a little doubtful.

Here is the Journal of the Society of the Clerks at the Table. This is for the year 1936. It has just been handed over to me by the Secretary and I find at its page 204 that the Ministers cannot be attacked except by a substantive motion.

Diwan Chaman Lal : The point that has been brought to your notice out of the Journal of the Society of the Clerks at the Table, by the Secretary, has really no connection with the point under discussion. The whole point has been a different one. It has no reference to what we have been saying. We have stated on the floor of this House that we have no desire to discuss the conduct of the Honourable the Premier. I have for 20 minutes laid down this proposition. It is perfectly clear even in May's Parliamentary Practice. We do not want to discuss the conduct of any Minister or any Government official. (*An honourable member :* What will you discuss then?) The administrative responsibility of the Government. I had the approbation of my honourable friend when I stated I would deprecate most seriously the discussion of the conduct of an official on the floor of the House. That particular statement of mine received approbation of my honourable friend the Premier. We do not want to discuss the conduct of anybody. We want to discuss the administrative responsibility of the Government which arose out of this particular act. It is an act by A, instigated by B. We are not concerned with A or B, we are concerned with the act.

Mr. Speaker : How can the honourable member separate an act from its doer?

Diwan Chaman Lal : When we moved an adjournment motion here in reference to the water-supply to the Chief Secretary of the Unionist Party, you will recollect that the orders were given by an official. We did not discuss the conduct of that official. We only discussed the administrative responsibility of my honourable friend. This particular adjournment motion is exactly on a par with that motion which you accepted. Here, too, it was an official of the Indian Civil Service, who issued certain

instructions. Nevertheless we were allowed to discuss not the conduct of the Chief Engineer, not the conduct of the Minister, but the administrative responsibility of my honourable friend. The conduct of either of the Honourable Minister or the Chief Engineer was not touched. What we discussed was the administrative responsibility of the Government and you were pleased to admit that adjournment motion on that very valid ground, namely, whether the administrative responsibility arose or not out of a particular action of a particular official and here is the same thing. A letter has been sent, no matter by whom it has been sent and under whose instructions it has been sent. Here we do not want to discuss the conduct of the official who issued that letter or the conduct of the Honourable Premier, who gave instruction to issue that letter, but the administrative responsibility of the Government.

Mr. Speaker : Probably the honourable member has not before his eyes the wording of the motion itself. The motion
6 p. m. says :

"..... to discuss the discrimination and favouritism shown by the Executive....."
(Hear, hear). That is the object of the motion.

Diwan Chaman Lall : Does it mention the writer of the letter.
(Interruptions.)

Mr. Speaker : Whether the "Executive" means the Secretary or the Premier, that is for the honourable member to decide. The motion, as worded clearly says that "favouritism and discrimination shown by the Executive" are to be discussed. (Interruption.)

Diwan Chaman Lall : I want you to clear one point. In case of a lathi charge, when a lathi charge is under discussion and a Minister says that the lathi charge was under his instructions, it is not the lathi charge we discuss.

Mr. Speaker : The honourable Sardar Sampuran Singh wants to raise a new point.

Sardar Sampuran Singh : When you admitted this motion for adjournment you considered that the words of the motion as drafted were in order and now you are ruling it out of order as you think that the orders were really issued by the Honourable Premier and not by the Secretary Mr. Le Bailley. There is another aspect of this question as well. There are two questions before the House. One is the instruction issued by the Honourable Premier and the other that these letters were written by the Secretariat. As long as it was held that these letters were written by the Secretariat, this motion was perfectly in order as you held it this morning. But you changed your mind as the Premier had admitted in this House that he had issued these instructions. Now the question is whether officers of the Government are fully absolved from their own responsibility if they acted under instructions from the Government. This depends upon whether the instructions are legal. I think the English law has very clearly laid down that the responsibility is of the officers who carry out the Crown's orders and they have gone to this extent (Interruption) that the King can commit no wrong. I do not say that that analogy in any way applies. I admit that that analogy about the King does not apply. and

[S. Sampuran Singh.]

I will certainly say that the Minister is also responsible, if he issues wrong or illegal orders, the mere fact that he has issued those orders does not absolve the officers under that Government from their responsibility. *(Hear, hear)*. Therefore, when we discuss this adjournment motion, we discuss only the conduct of a particular officer, we take the adjournment motion in the form in which it was originally admitted and so far as the instructions issued by the Premier are concerned, they cannot change the nature or position which we already took before we knew anything about his instructions.

Mr. Speaker : If an officer of Government, acting under the instructions of his superiors, does an act which amounts to an offence, he is not absolved from criminal liability; but he incurs no other liability. *(Interruptions) (Uproar.)* I adjourn the House till 2-30 p. m. to-morrow.

The Assembly accordingly adjourned till 2-30 p. m. on Friday, 23rd February, 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Friday, 23rd February, 1940.

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

ARREST AND PROSECUTION OF AHRAR LEADERS AND WORKERS.

***5467. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) the number of leaders and workers belonging to the Ahrar organization arrested or prosecuted since 1st April, 1939, up to the present ;
- (b) the law under which they have been prosecuted or otherwise dealt with ;
- (c) reasons, if any, that have led the Government to take action against them ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : I regret that it is not possible to answer this question with any accuracy. Neither the courts nor the police can say whether individual prisoners are or are not members of the Ahrar organization.

Lala Duni Chand : May I know if it is not known to the Government that Ahrars in this province constitute a political organization or a political party ?

Parliamentary Private Secretary : Yes.

Lala Duni Chand : Is it known to the Government that the Ahrar party is a party opposed to the present Government ?

Parliamentary Private Secretary : May be so.

Lala Duni Chand : Is it so or not ?

Parliamentary Private Secretary : In what matter ?

Lala Duni Chand : In regard to political matters.

Parliamentary Private Secretary : In certain matters we see eye to eye with Ahrars and in certain matters we do not.

Lala Duni Chand : Is it true that some Ahrar convicts have declined to file appeals as a protest against the treatment meted out to them by the present Government ?

Parliamentary Private Secretary : That has nothing to do with this question. If my honourable friend reads his original question, he will find that this supplementary question is not in any way connected with it.

Lala Duni Chand : May I point out that the question relates to conviction and prosecution of Ahrar leaders and workers. So this supplementary question arises directly out of the question put.

Parliamentary Private Secretary : That is my honourable friend's opinion.

Lala Duni Chand : I want to know the number of convictions and prosecutions of those people who are known as Ahrar workers and leaders.

Parliamentary Private Secretary : I have already given the answer.

Lala Duni Chand : May I know if the Government is treating them as decently and honourably as it should treat its opponents ?

Mr. Speaker : Disallowed.

Pandit Shri Ram Sharma : Is it a fact that certain Ahrar leaders and workers have been arrested ?

Parliamentary Private Secretary : Yes.

Pandit Shri Ram Sharma : If the honourable member is not in a position to give the exact number of arrests made, will he kindly state whether approximately the number of Ahrar leaders and workers who have been arrested is fairly high ?

Parliamentary Private Secretary : If a fresh notice is given asking for approximate number I shall be glad to obtain that information for him.

Pandit Shri Ram Sharma : The question was, what is the number of leaders and workers belonging to the Ahrar organization arrested or prosecuted, and the honourable member replied that he could not give exact figures. Now may I know whether a good many Ahrar leaders and workers have been arrested ?

Parliamentary Private Secretary : The information has not been collected in the manner suggested by the honourable member in his supplementary question. The Government does not give indefinite and incomplete information. Moreover, it is not written on the face of a person whether or not he belongs to the Ahrar party. If approximate figures are required they can be supplied on receipt of a fresh notice to that effect.

Sardar Sohan Singh Josh : How many Muslim workers have been arrested under the Defence of India Act ?

Parliamentary Private Secretary : The Defence of India Act has now been brought in by my honourable friend. The original question is how many Ahrar workers and leaders were arrested. If my honourable friend wants to ask whether certain gentlemen were arrested under the Defence of India Act, he may put a separate question.

Lala Duni Chand : May I know if Chaudhri Afzal Haq, M. Ata Ullah Shah Bukhari, and M. Mazhar Ali Azhar are Ahrar leaders or not ?

Mr. Speaker : This question does not arise.

Lala Duni Chand : The Parliamentary Private Secretary says that it is not possible for him to say which of the convicts are Ahrars and which not. Therefore I give him 3 names and want to know from him whether they are Ahrar leaders or not.

Parliamentary Private Secretary : These three gentlemen are not the only Ahrar leaders. There may be hundreds with whom my honourable friend may not be acquainted. When the Government is to answer the question as tabled by my honourable friend, full information should be given on the subject. It is not proper to give only half information and with regard to the rest, to say that Government are not in a position to give the true remaining information. That is not proper. So if my honourable friend now puts a detailed question he can get the necessary information.

Chaudhri Kartar Singh : Is the honourable member aware of the fact that the Ahrars have started a campaign of civil disobedience in the various districts and towns of the province ?

Mr. Speaker : Disallowed, as it does not arise out of the original question.

Sardar Sohan Singh Josh : Has any member of the Muslim League been arrested under this Act ?

Mr. Speaker : Disallowed.

TRAVELLING ALLOWANCE DRAWN BY DIRECTOR OF INFORMATION BUREAU FOR GOING TO SHOLAPUR.

***5658. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the exact amount paid to the Director of Information Bureau as travelling allowance and daily allowance for accompanying him to Sholapur to attend the Muslim League Conference held in August last ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Rupees 60-5-0. This represents travelling allowance and daily allowance from Bombay to Sholapur and back. The Director, Information Bureau, went to Bombay on other official business.

Sardar Sohan Singh Josh : May I know the name of the class the fare of which has been covered by this money ?

Parliamentary Private Secretary : Most probably second class. If the honourable member had given previous notice of the question I would have given a definite answer.

Pandit Shri Ram Sharma : Will the Parliamentary Private Secretary be pleased to state the official business for which the Director of Information Bureau went to Bombay ?

Parliamentary Private Secretary : I require notice for this question.

Pandit Shri Ram Sharma : May I know whether the fare from Bombay to Sholapur is included in this travelling allowance ?

Parliamentary Private Secretary : I have already submitted that the fare from Bombay to Sholapur is included in it.

Pandit Shri Ram Sharma : May I know whether the fare from Lahore to Bombay was received from some other Government ?

Parliamentary Private Secretary : No. It was received from this Government. But the amount I have stated does not include this fare.

Pandit Shri Ram Sharma : May I know on whose order he left Bombay for Sholapur ?

Parliamentary Private Secretary : On the Premier's order.

Sardar Sohan Singh Josh : Does this allowance include food expenses or is it a mere travelling allowance ? (*Laughter.*)

Mr. Speaker : Disallowed.

ARRESTS UNDER DEFENCE OF INDIA ACT.

***5708. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to lay before the House a consolidated statement in respect of the whole province of the persons arrested up to date under the Defence of India Ordinance or Act since its promulgation in the province ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : The total number of persons arrested under the Defence of India Ordinance, up to and including the 8th of November, 1939, is 165. It is not in the public interest to give other details.

Sardar Sohan Singh Josh : May I know how many Muhammadans are amongst them ?

Parliamentary Private Secretary : If the honourable member had asked—

Mr. Speaker : Say briefly that you require notice.

FALSE TRAVELLING ALLOWANCE BILLS BY SUB-JUDGES.

***5916. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether any inquiry was recently held against any of the sub-judges in the province for having prepared false travelling allowance bills ; if so, against how many and with what result ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Inquiries are being made into one such case. I regret that I cannot undertake to give particulars, at any rate at the present stage.

DECLARING *HARYANA TILAK* NEWSPAPER OF MEERUT AS UNAUTHORIZED.

***6015. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state whether it is a fact that the *Haryana Tilak* Weekly newspaper which is published from Meerut (United Provinces) has recently been declared "Unauthorized" in the Punjab; if so, the reasons for doing so?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : Only a magistrate can decide under the relevant provisions of the Press (Emergency Powers) Act, 1931, whether a paper is unauthorized, but *prima facie* the *Haryana Tilak* seems to be covered by the definition of unauthorized newspaper as given in the Act, and a general warning has been issued accordingly.

Pandit Shri Ram Sharma : May I know whether any magistrate has declared this newspaper 'unauthorized'?

Parliamentary Private Secretary : I am not aware of it.

Pandit Shri Ram Sharma : Will the Parliamentary Private Secretary be pleased to state whether the Punjab Government has taken any action for declaring this paper unauthorized?

Parliamentary Private Secretary : So far as I am aware no copy of this paper has passed through the hands of the Government which can be placed before a court.

Pandit Shri Ram Sharma : Was any circular issued by the Government to this effect?

Parliamentary Private Secretary : I have already submitted that a circular was issued.

Pandit Shri Ram Sharma : What are the contents of that circular?

Parliamentary Private Secretary : I have already stated that the *Haryana Tilak* *prima facie* seems to be covered by the definition of unauthorized newspaper as given in the Act, and a general warning has been issued accordingly.

Pandit Shri Ram Sharma : Do I take it that the circular was sent to the district authorities in the words that the Parliamentary Private Secretary has just stated?

Parliamentary Private Secretary : I stated that a circular was issued.

Pandit Shri Ram Sharma : May I know in what words the circular was sent to the district authorities by the Government?

Parliamentary Private Secretary : If the honourable member puts a separate question the reply will be given.

Pandit Shri Ram Sharma : Is it or is it not a fact that the District Magistrates of Rohtak and Karnal having received the instructions of the Government took steps as if the *Haryana Tilak* was an unauthorized paper?

Parliamentary Private Secretary : I am not aware of it.

Pandit Shri Ram Sharma : Is it not a fact that the District Magistrate, Rohtak, thinks *Haryana Tilak* to be an unauthorized paper in a notice, dated 5th January, 1940?

Parliamentary Private Secretary : I am not aware of it.

Pandit Shri Ram Sharma : Is it not within the knowledge of the Government that the district magistrate issued a notice in the following words to a local agent of this newspaper warning him not to sell it—"It has been reported to me that you are the Agent of *Haryana Tilak* in Rohtak. The said paper has been declared to be an unauthorized publication within the meaning of section 2 (9) (b) of the Indian Press (Emergency Powers) Act." May I know, when this matter has not been decided in any court, how a district magistrate can call and treat this paper to be unauthorized?

Mr. Speaker : Disallowed.

Lala Duni Chand : Is Government satisfied up to this time that neither the Punjab Government nor any of the subordinate authorities had any power under the law to declare this paper unauthorized?

Mr. Speaker : Disallowed. Legal opinion should not be asked.

Lala Duni Chand : I shall satisfy you in one second : I want information whether—

Mr. Speaker : No more on this point, please.

Pandit Shri Ram Sharma : Is it within the knowledge of the Government that the Superintendent of Police, Karnal, on being asked has admitted this fact that the warning was issued under the order of the district magistrate?

Parliamentary Private Secretary : Not to my knowledge.

Pandit Shri Ram Sharma : Does the Government know—

Mr. Speaker : Under rules 19 and 20 questions are asked from the Minister concerned and not from Government.

Pandit Shri Ram Sharma : I was asking whether the Parliamentary Private Secretary is aware of the fact that the Superintendent of Police, Karnal, on being asked by me, has replied in his letter, dated 16th January, 1940 :

"The action taken however was taken under the order of District Magistrate, Karnal, and you may, therefore, refer the matter to District Magistrate, Karnal."

Parliamentary Private Secretary : I am not aware of it.

Pandit Shri Ram Sharma : May I know whether the Government by saying that this paper '*prima facie* is unauthorized' mean to encourage the district magistrates to harass the agents and the purchasers of this paper so that they may not sell or buy it respectively?

Mr. Speaker : This question does not arise.

Pandit Shri Ram Sharma : May I know the reasons why this paper is alleged to be '*prima facie* unauthorized'?

Pandit Shri Ram Sharma : Generally a paper is declared to be unauthorized on two grounds. Firstly, if a paper has not submitted its declaration and secondly, if a paper has not deposited its security having been asked to do so and continues publication. May I know under which ground *Haryana Tilak* has been declared as unauthorized?

Pandit Shri Ram Sharma : Is it or is it not a fact that a valid declaration of *Haryana Tilak*, Meerut, is with the District Magistrate, Meerut ?

Lala Bhim Sen Sachar : May I know if before answering the question Government obtained the opinion of the Advocate-General to the effect that it is *prima facie* unauthorized ?

Pandit Shri Ram Sharma : How is it that this paper has been declared unauthorized when the security was never demanded and declaration has been submitted with the District Magistrate, Meerut ?

Mr. Speaker : Next question.

NEWSPAPERS DECLARED AS UNAUTHORIZED.

***6033. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) the names of newspapers and the number of news-sheet declared as "unauthorized" under the Indian Press (Emergency Powers) Act since 1st April, 1937 ;

(b) the reasons for declaring the *Haryana Tilak*, Meerut, as unauthorized ;

(c) whether this action was based on some objectionable articles appearing in that paper ; if so, which ones ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Nil. No such declarations can be made under the Indian Press (Emergency Powers) Act. It is for magistrates to decide each case on its merits.

(b) and (c) Do not arise.

Diwan Chaman Lall : May I ask whether it is not a fact that this question does not postulate the authority which has declared them to be unauthorized ? All that we want is the names of such newspapers.

Parliamentary Private Secretary : I am sorry that the question was read in that light. I will try and get the information in the light of the question as put by my honourable friend.

Pandit Shri Ram Sharma : May I ask the Parliamentary Secretary whether the *Haryana Tilak* of Meerut is an unauthorized paper in the Punjab ?

Diwan Chaman Lall : May I ask my honourable friend whether he is prepared to give the reasons for declaring the *Haryana Tilak*, Ambala, an unauthorized newspaper ?

Parliamentary Private Secretary : As I have already said the question as read by Government was not in the same light as it is put by my honourable friend. When answering that question, I shall also give an answer to this question.

Lala Duni Chand : During the last three years, has the Government issued any similar circular regarding any other newspaper like the circular that has been issued in regard to the *Haryana Tilak* ?

Pandit Shri Ram Sharma : May I ask whether the *Haryana Tilak* is an unauthorised paper in the Punjab ?

Mr. Speaker : Disallowed.

**DETECTION OF CASES OF CORRUPTION BY THE ANTI-CORRUPTION
DEPARTMENT.**

***6042. Tika Jagjit Singh Bedi :** Will the Honourable Premier be pleased to state—

(a) whether the anti-corruption department has so far detected any cases against any of the officials ;

(b) the names of the officials with their designations against whom inquiries have started up till now ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Yes. A reference is invited in this connection to the reply given to parts (c) and (e) of question* 5696¹ during the current session.

(b) I do not think that it is desirable to publish names.

Lala Duni Chand : May I know if the Parliamentary Private Secretary has found any difficulty in regard to the meeting of the situation that has been created regarding this interpellation ?

Mr. Speaker : What is the question ?

Lala Duni Chand : I want to know if the Parliamentary Private Secretary finds any difficulty in answering the various questions with regard to which he has kept silent ?

Pandit Shri Ram Sharma : Did the Government consult the Advocate-General before expressing the opinion that the *Haryana Tilak* is a *prima facie* unauthorized paper ?

DETENTION OF SARDAR IQBAL SINGH.

***6075. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state whether one Sardar Iqbal Singh who was detained under Criminal Law (Amendment) Act has been released ; if not, why not, and where and under what law he is at present detained ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : No. He is now detained in Campbellpur Jail under rule 26 of the Defence of India Rules with a view to preventing him from acting in a manner prejudicial to public order.

Sardar Sohan Singh Josh : May I know if he is detained under this rule as an ordinary prisoner or as a State prisoner ?

Mr. Speaker : That is a question of the interpretation of rules.

**CANCELLATION OF GUN LICENCES BY THE DEPUTY COMMISSIONER,
KANGRA.**

***6076. Dr. Gopi Chand Bhargava :** Will the Honourable Minister for Public Works be pleased to state whether any licences for guns have been cancelled by the Deputy Commissioner, Kangra, recently ; if so, the number and names of such licence-holders and reasons for cancellation of the licences and the action, if any, that Government propose taking in the matter ?

¹Vide the debates of 9th February, 1940.

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): Leaving aside cases in which licences were cancelled at the expressed wish of the holders, or on the holder's death, cancellation was ordered by the District Magistrate in two cases only. In one of these the licence-holder had injured two persons with his guns. In the other the holder was reported to have sold his weapon and to have purchased a new one without informing the authorities. In two other cases the renewal of expired licences was refused on account of the inferior status of the holders.

It does not seem necessary to give the names.

No action is contemplated on the part of Government.

CANDIDATES FOR THE POST OF FINANCIAL ADVISER, CO-OPERATIVE DEPARTMENT.

***6079. Khan Muhammad Yusaf Khan:** Will the Honourable Minister for Development be pleased to state—

- (a) whether the post of the Financial Adviser, Co-operative Department, Punjab, was advertised in the papers recently; if so, the names of the papers and the dates of their issue;
- (b) the number of candidates who applied for the post;
- (c) whether the candidates were summoned by the Public Service Commission; if so, how many of them were interviewed;
- (d) whether the Commission held an examination of the candidates; if not, how they arrived at their final conclusion;
- (e) whether any of the candidates has been appointed to the post; if so, his qualifications, his name, banking experience if any, and his salary?

The Honourable Chaudhri Sir Chhotu Ram: (a) Yes. The post was advertised in England by the High Commissioner for India but the dates of issue of the newspapers are not known. It was also twice advertised in India in the following newspapers:—

- (1) *The Civil and Military Gazette*, Lahore.
- (2) *The Tribune*, Lahore.
- (3) *The Eastern Times*, Lahore.
- (4) *The Statesman*, Delhi Edition.
- (5) *The Khyber Mail*, Peshawar.
- (6) *The Leader*, Allahabad.
- (7) *The Bombay Chronicle*, Bombay.

The advertisement appeared in the issues of 24th June, 1938, and 19th August, 1938.

(b) 39 candidates applied in England and 20 in India.

(c) 9 were summoned in England and 4 in India; 8 were interviewed in England, 3 in India.

(d) Candidates were questioned regarding their experience and to test their knowledge. There was no other examination.

[Minister for Development.]

(e) None of these candidates was selected for appointment. But later, the name of Mr. J. C. Bhandari, retired Accountant-General, was submitted by Government to the Public Service Commission in order to ascertain whether they considered him suitable for the post. The Public Service Commission interviewed him and recommended him as suitable for appointment. Accordingly Mr. Bhandari was appointed to the post on Rs. 1,500 per mensem.

Khan Sahib Khawaja Ghulam Samad : May I know whether before the appointment was made, the recommendations of the Retrenchment Committee as regards the filling up of this post were taken into consideration ?

Minister : The report was not available to me at that time.

Khan Sahib Khawaja Ghulam Samad : May I know what led the Government to recommend Mr. Bhandari for this post ?

Minister : Because no other suitable candidate was forthcoming.

Khan Sahib Khawaja Ghulam Samad : What were the educational attainments required for this post ?

Minister : I understand Mr. Bhandari is a very distinguished M.A. of the Punjab University.

Khan Sahib Khawaja Ghulam Samad : Was one of the qualifications stated in the advertisement this that the candidates for the post should possess an experience of the Co-operative Department ?

Minister : I am afraid it is not for me to sit in judgment on the work of the Public Service Commission.

Chaudhri Muhammad Hasan : When did the Honourable Minister consider the necessity of appointing this Financial Adviser, Co-operative Department ?

Minister : The necessity was felt on the retirement of the previous Financial Adviser.

Khan Sahib Khawaja Ghulam Samad : May I ask what special qualifications Mr. Bhandari possesses ?

Minister : He has qualifications which perhaps a score of the members here put together do not possess.

Diwan Chaman Lall : May I ask him why for the first occasion
3 p. m. in his life he has been so modest ? (*Laughter.*)

Khan Sahib Khawaja Ghulam Samad : Apart from the fact that he possesses qualifications better than a score of members put together, may I inquire whether he possessed the requisite qualifications for the post ?

Minister : He did.

Lala Duni Chand : In view of the very frank and honest admission made by Chaudhri Sir Chhotu Ram, that that gentleman is more fit than the Minister himself, will he make room for that gentleman and retire from his ministerial seat ?

Minister : He does not possess the qualifications which I possess.

Khan Sahib Khawaja Ghulam Samad : May I know from the Minister whether it is a fact that the Government has adopted or is adopting measures to eradicate unemployment from the province and whether the appointment of a pensioner to this post is a step in that direction ?

Minister : Government is very anxious to eradicate unemployment so far as it is possible to do so. But Government cannot ignore considerations of efficiency.

Chaudhri Muhammad Hasan : In what year did the previous Financial Adviser retire ?

Minister : I do not remember the exact date. But I think he retired 15 or 18 months before this appointment was made.

Chaudhri Muhammad Hasan : How is it that the Honourable Minister had kept the post in abeyance ?

Minister : It was not kept in abeyance. Unfortunately we did not receive applications from properly qualified persons.

Khan Sahib Khawaja Ghulam Samad : The Honourable Minister has said that many candidates were interviewed by the Public Service Commission and were found unfit for the job and thereafter the Government recommended Mr. Bhandari for the job. May I know whether the Government recommended Mr. Bhandari on his own initiative or on the recommendation of the Honourable Minister or on the recommendation of some of his colleagues ?

Minister : Not on his initiative. The gentleman happened to be known to almost all the members of the Government.

Sardar Rur Singh got up to put question No. 6085 on behalf of Sardar Teja Singh.

Mr. Speaker : I am not quite sure whether the questions, standing in the name of Sardar Teja Singh, can be asked because Sardar Teja Singh has not been sworn yet.

Lala Bhim Sen Sachar : Let us take the case of a member who is in a position to attend the House but who does not attend and take his oath.

Mr. Speaker : If a member does not take the oath of allegiance, he cannot sit in the House and is not entitled to the rights and privileges of a sworn member.

Diwan Chaman Lall : When my honourable friend here puts his question on his behalf it becomes his question.

Mr. Speaker : The question is whether, if he were not in jail, he himself could sit in the House and ask a question unless he was sworn.

Diwan Chaman Lall : Have we any information whether he was sworn in jail or not ?

Mr. Speaker : No.

Diwan Chaman Lall : Therefore we need not go into that question because we have no information.

Mr. Speaker : Has he been sworn in jail ?

Diwan Chaman Lall : We do not know.

Mr. Speaker : Nor do I.

Diwan Chaman Lall : One can take the oath of allegiance before any person.

Mr. Speaker : But as a rule all members are sworn here. These questions may be postponed. I will look up the point and give my considered ruling to-morrow.

Diwan Chaman Lall : He is still the holder of his seat as a member of the Assembly.

Mr. Speaker : Unless a member takes the oath of allegiance, he cannot sit in the House.

Diwan Chaman Lall : I give you notice that I will raise a point of privilege.

Mr. Speaker : Notice should not be given on the floor of the House. It should be given in my room.

Diwan Chaman Lall : As I understand it, you have already got that notice I assure you, you had that notice.

Mr. Speaker : You are a parliamentarian of standing, so you ought to know that you cannot give notice to the Speaker on the floor of the House that you want to raise this or that point. Give it by all means either through the Secretary or direct in my room.

Diwan Chaman Lall : I am drawing your attention to the fact that through the Secretary you had the notice of this very matter, the point of privilege and I have not had the benefit of a reply. I am waiting for a reply regarding that particular matter. You will find that I have raised this matter in writing. I gave notice through the office, through the regular channel, regarding this particular point, namely, the point of privilege that I want to raise regarding this member. That is in your file. You can go through the file.

Mr. Speaker : I have no recollection. That is all I can say. The honourable member may be right.

Diwan Chaman Lall : You can go through your files and then let me know.

Mr. Speaker : I keep no files.

Diwan Chaman Lall : You keep no files ? That is a very serious point.

Mr. Speaker : Office keeps files. The Speaker does not keep any file.

Diwan Chaman Lall : I want you to go through the office files since they are your files in the sense that you deal with them.

Mr. Speaker : I shall be thankful if the honourable member will help me in this connection.

Diwan Chaman Lall : I shall be only too delighted.

*6085-6086.—Cancelled.

GRANT OF 2½ HOURS' LEAVE ON FRIDAYS TO MUSLIM GOVERNMENT SERVANTS.

***6100. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Finance Minister be pleased to state whether his attention has been drawn to the Resolution unanimously passed at the Awan Conference and the people of Sargodha and its suburbs that appeared in the various local papers with comments thereon by editors requesting the Honourable Premier and the Government to grant 2½ hours' leave from 12-30 to 3 p.m. on Fridays to the Muslim Government servants and to the Muslim students of Government or Government aided or controlled institutions throughout the whole province to attend Juma prayers; if so, the action taken by the Government so far or intended to be taken in the matter?

The Honourable Mr. Manohar Lal : Yes. 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 Juma prayers. Similar arrangements are made in Government schools, and Government do not think that any further orders are necessary.

Khan Sahib Khawaja Ghulam Samad : Mr. Speaker, I wish the Honourable Premier was here for he is the proper person to reply to my supplementary questions. However, may I know from the Honourable the Minister for Finance whether one hour's leave is sufficient for attending Juma prayers?

Minister : I do not know. I am not versed in Muslim doctrines. The honourable member surely knows more than myself.

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister aware of the fact that Muslims have to make good deal of preparations before attending Juma prayers? (*Laughter.*)

Minister : The honourable member should know himself.

Khan Sahib Khawaja Ghulam Samad : Is the Honourable Minister aware of the fact that the Muslims hold Friday as sacred as both the 'Ids?

Minister : The honourable member knows better. I am not an expert in 'tradition'.

Khan Sahib Khawaja Ghulam Samad : My original question and supplementaries have a religious tinge and therefore I wanted reply from the Honourable Premier.

(At this stage the Honourable Premier entered the Chamber amidst loud cheers.)

Khan Sahib Khawaja Ghulam Samad : The Honourable Finance Minister has stated that one hour's leave is sufficient for attending Juma prayers. May I know from the Honourable Premier whether one hour's leave is sufficient for Muslim Government servants and Muslim students of Government colleges to say their Juma prayers?

Premier : No. I think at least two hours' leave should be given for attending Juma prayers.

Khan Sahib Khawaja Ghulam Samad : In view of his reply will the Honourable Premier take necessary steps to see that instructions to this effect are issued that Muslims should get two hours' leave for attending Juma prayers.

Premier : It is nowhere written in the instructions that are now in force that Muslims cannot get two hours' leave for saying their Juma prayers. On the other hand the Government order says that sufficient time should be given. Therefore there is no need for fresh instructions.

Khan Sahib Khawaja Ghulam Samad : I request the Honourable Premier to very kindly read out those instructions.

Premier : The instructions have been stated in reply, namely that "orders have been in force for many years directing the heads of all offices in the Punjab to give Muslim officials who may apply for it leave on Friday for a sufficient time to enable them to take part in the Juma prayers". I think at least two hours are necessary for this purpose.

Khan Sahib Khawaja Ghulam Samad : I may state it for the information of the Honourable Premier that when I was in Government service it so happened that once I took more than one hour to say my Juma prayers and on return I was asked to explain the cause of delay and the matter came to such a pass that I had to think of even tendering my resignation. I would feel obliged if the Honourable Premier issues instructions for granting two hours' leave for attending Juma prayers.

Mr. Speaker : That is a request for action.

Khan Sahib Khawaja Ghulam Samad : This request arises from the reply given by the Honourable Premier.

Premier : I assure the honourable member that if I receive any complaint that in any case two hours' leave has not been granted for attending Juma prayers I would see that such instructions are issued.

COMPLAINT OF ONE GOBIND RAM OF VILLAGE RAM PURA DHILAN
WALA, DISTRICT HISSAR.

***4923. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state whether the Deputy Commissioner, Hissar, received a complaint of one Gobind Ram of village Ram Pura Dhilan Wala, district Hissar, against the Patwari of that village alleging corruption in *taccari* distributions and whether any inquiry has been made ; if so, with what result ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : Yes ; but the complaint was neither dated nor signed, nor thumb-marked and Gobind Ram its ostensible maker himself denied ever having made a complaint verbally or in writing. Nevertheless an inquiry was made but nothing was proved against the Patwari.

Pandit Shri Ram Sharma : May I know whether the inquiry was made by the Deputy Commissioner or any other officer ?

Parliamentary Secretary : I cannot say definitely as to who made the inquiry, but this much I can say that it was conducted by one of the local officers.

JAWGRAS OF THE ROHTAK DISTRICT.

***4974. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether the Government by this time have considered and decided the claims of Jawgras (wood cutters) of the districts of Rohtak, Gurgaon, Hissar and Karnal, to be recognized as a statutory agriculturist class; if so, with what result;
- (b) their population, area of the agricultural land possessed by them, the extent to which their land has passed into the hands of other classes during the past in these districts and how far they are dependent on agriculture?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) I take it that Jawgras are the same as Jangras. The question is still under the consideration of Government.

(b) A statement is laid on the table :—

District.	Population of Jawgras or Jangras in the district.	AREA OF LAND.		Area lost by them since last settlement.	The extent to which they depend on agriculture.
		Owned by them.	Held by them with occupancy rights.		
		Acres.	Acres.	Acres.	
Hissar ..	10,725	7,983	7,695	470	Depend partly on agriculture and partly on industry.
Rohtak ..	15,485	3,618	2,270	193	Depend mostly on industry.
Gurgaon ..	7,452	519	1,152	25	Depend partly on agriculture and partly on industry.
Karnal ..	4,291	1,619	562	23	Depend generally on industry.

Pandit Shri Ram Sharma : May I know whether the statement referred to by the Parliamentary Secretary was sent to the honourable member?

Parliamentary Secretary : Yes.

Pandit Shri Ram Sharma : Since how long has the matter been under the consideration of the Government?

Parliamentary Secretary : I cannot state the exact period.

Pandit Shri Ram Sharma : May I know the date when the Government made their final decision with regard to the matter referred to in part (b) ?

Parliamentary Secretary : I cannot give the exact date.

Pandit Shri Ram Sharma : When will this matter be decided ?

Parliamentary Secretary : It will be decided as soon as possible.

**SELECTION OF CANDIDATES FOR PATWAR BY SETTLEMENT
OFFICER, GURGAON DISTRICT.**

***4990. Chaudhri Sahib Ram :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the Settlement Officer, Gurgaon district, selected candidates for patwar on the 3rd April, 1939 ;
- (b) the number of Harijan candidates that appeared before him and of those among them who were taken ;
- (c) whether it is also a fact that most of the Harijan candidates were even turned out of the enclosure of the bungalow and were not allowed to appear before the officer ?

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

(b) Out of the six Harijan candidates summoned for interview on the 3rd April, 1939, four were accepted as patwari candidates.

(c) No. All the Harijan candidates summoned for interview were interviewed by the Settlement Officer, Gurgaon.

Pandit Shri Ram Sharma : Is it a fact that the Harijan candidates were turned out of the bungalow ?

Parliamentary Secretary : I have already stated that after interviewing all the candidates four were taken. The question of turning out does not arise.

Pandit Shri Ram Sharma : In part (c) of the question it is asked : "Whether it is a fact that most of the Harijan candidates were even turned out of the enclosure of the bungalow and were not allowed to appear before the officer".

Parliamentary Secretary : I have already pointed out that this allegation is incorrect.

Pandit Shri Ram Sharma : May I know the name of the officer who conducted inquiries and found this allegation to be incorrect ?

Parliamentary Secretary : He was an officer of the Government.

Lala Duni Chand : Can the Parliamentary Secretary throw some light on the qualifications of the Harijan candidates or is he prepared to say that not a single Harijan candidate was taken ?

Parliamentary Secretary : I know there were four Harijan candidates who possessed only minimum qualifications, still they were taken

"because the policy of the Government is to take as many Harijan candidates as possible. (Hear, hear).

Pandit Shri Ram Sharma : May I know the total number of candidates ?

Parliamentary Secretary : I cannot say off hand.

Pandit Shri Ram Sharma : Can the Parliamentary Secretary tell us the number of Harijan candidates ?

Parliamentary Secretary : No, Sir.

Pandit Shri Ram Sharma : In part (b) of the question the Government has been asked to state "the number of Harijan candidates that appeared before him and of those among them who were taken." When this question is there why cannot the Parliamentary Secretary give us the number ?

Parliamentary Secretary : I can tell you that six candidates were called for interview out of whom four were taken.

Pandit Shri Ram Sharma : I want to know the total number of Harijan candidates out of whom these six were called for interview.

Parliamentary Secretary : I have said that the number of Harijans that appeared before the Settlement Officer was six and as four of them happened to possess the very minimum qualifications required, they were taken.

Chaudhri Prem Singh : Will the Parliamentary Secretary tell us the names of those Harijan candidates ?

Parliamentary Secretary : I have not got their names with me. If the honourable member wants that information, I shall be glad to supply it on receipt of fresh notice.

TOTAL COMMANDED AREA ON BARNESWAH.

***5107. Captain Sodhi Harnam Singh :** Will the Honourable Minister for Revenue be pleased to state—

- (a) the total commanded area on Barneswah (Grey Canals, Ferozepore) and the area out of it which was irrigated and matured in 1936, 1937 and 1938 by this canal;
- (b) the total commanded area on each of three distributaries, namely, Hearnwah, Ilachiwah and Shah Sultankhanwala of Barneswah and the area out of it which was irrigated and matured by each of these distributaries in the years 1936, 1937 and 1938;
- (c) whether there is any proposal to extend irrigation of Ilachiwah distributary; if so, the names of the villages which are proposed to be irrigated by this proposed extension and also the area of land in these villages which is already being irrigated by Mayawah or any other canal;

[Captain Sodhi Harnam Singh.]

- (d) whether it is a fact that the irrigators of Barneswah and its distributaries are opposed to this proposed extension; if so, the reasons advanced by them against this proposal in a representation made by them and the action taken on that representation?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) The total commanded area has never been calculated. The maximum irrigated is approximately 19,000 acres. The figures for irrigated and matured areas are as follows :—

TABLE.

Year.	AREA IN GHAMAONS.	
	Irrigated.	Matured.
1936-37	18,277	14,288
1937-38	12,229	10,085
1938-39	11,635	7,605

Distributaries.	Total commanded area in ghamaons.	Year.	TOTAL AREA IN GHAMAONS.	
			Irrigated.	Matured.
Hearwah	3,250	1936-37 ..	2,397	2,274
		1937-38 ..	2,033	1,890
Sultankhanwala	2,500			
Hachiwah	3,000			

(c) Yes, to the villages of Jamiatpura Dheru, Valur, Kakuwala, and Mohkamwala. The Mayawah canal irrigates about 100 ghamaon in villages Kakuwala and Mohkamwala.

(d) No. The representation against the proposal received in April, was withdrawn in May. It is common ground that the new minor was only to be constructed if it did not adversely affect the water-supply of the existing irrigators. This problem is still under investigation.

DAMAGE TO CROPS.

*5134. **Sardar Hari Singh:** Will the Honourable Minister of Revenue be pleased to state the amount of damage to standing crops reported from a part of Sheikhpura district by a recent hurricane and hailstorm and the action proposed to be taken by the Government to afford relief to those affected by the calamity?

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

Second part.—Does not arise.

REPRESENTATION OF PANDIT TULSI RAM AGAINST THE NAIB-TAHSELDAR, HOSHIARPUR.

*5174. **Sardar Hari Singh:** Will the Honourable Minister of Revenue be pleased to state whether it has come to his notice that Pandit Tulsi Ram, son of Atra Ram, of village Phambian, thana Hariana, tahsil and district Hoshiarpur, and Pandit Bhav Dev, son of Pandit Baisakhi Ram of village Nandachaur, district Hoshiarpur, were maltreated and put to torture by the Naib-Tahsildar at Hoshiarpur on 1st July, 1939, as represented by them to the Deputy Commissioner, Hoshiarpur, and the Financial Commissioner, Punjab, by representations submitted on 22nd July, 1939 and 10th July, 1939, respectively; if so, the action taken in the matter?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): A case under section 182, Indian Penal Code, is pending in court. The matter being *sub judice* no action is possible at this stage.

ZAILDAR OF MUGOWAL, TAHSIL GARHSHANKAR.

*5186. **Sardar Hari Singh:** Will the Honourable Minister for Revenue be pleased to state—

(a) whether it is a fact that the zaildar of Mugowal, tahsil Garhshankar, district Hoshiarpur, filed nomination papers for District Board election last year and later withdrew, allowing a congress nominee to go uncontested;

(b) whether it is a fact that his grade was lowered subsequent to his withdrawal from the election contest?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) In March, 1939, the zaildar contested a seat in the District Board election and was defeated. He did not withdraw, but it is believed that he made some compromise with the rival candidate and allowed himself to be defeated.

(b) No.

LAND REVENUE, ABIANA AND TAQAVI LOANS REALISED FROM JHAJJAR TAHSIL.

***5226. Pandit Shri Ram Sharma :** Will the Honourable Minister for Revenue be pleased to state—

(a) the total sum of land revenue, abiana and taqavi loans respectively realised from Jhajjar Tahsil, district Rohtak, for the rabi 1938 and the kharif 1939 ;

(b) the land revenue and *abiana* remitted and suspended and the *taqavi* loans advanced respectively during the famine period in the area mentioned in (a) above ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Realizations in the Jhajjar Tahsil in rabi 1938 and kharif 1938 :—

	<i>Amount realized.</i>		
	Rs.		
Land Revenue	1,49,494
Abiana	84,210
Taccavi	22,329
Total	2,06,033

(b) Amount of relief granted in the Jhajjar tahsil during the famine period, i.e., rabi 1938, kharif 1938 and rabi 1939 :—

	<i>Amount suspended.</i>	<i>Amount remitted.</i>	<i>Loans advanced.</i>
	Rs.	Rs.	Rs.
Land Revenue	4,44,597	28,680	..
Abiana .. .. .	..	83,274	..
Taccavi	35,431	357	6,29,446

Pandit Shri Ram Sharma : The statement shows that in Jhajjar tahsil land revenue to the tune of Rs. 35,000 was remitted and more than Rs. 6,00,000 were granted as taccavi loans. In view of this, may I ask why this area has not been declared a famine-stricken area ?

Mr. Speaker : The question is argumentative.

Pandit Shri Ram Sharma : Sir, I want to enquire why that ilaqa has not been declared a famine-stricken area in view of the conditions prevailing there as shown by the figures given in the statement ?

Pandit Shri Ram Sharma : May I ask whether the Jhajjar tahsil has or has not been declared as famine-stricken in view of these facts ?

Mr. Speaker : I have said that the question is argumentative.

Parliamentary Secretary : It has already been shown in the statement that land revenue to the tune of Rs. 28,690 and *abiana* to the amount of Rs. 83,274 was remitted during rabi 1938, kharif 1938 and rabi 1939 and Rs. 6,29,446 were advanced as taccavi loans.

Pandit Shri Ram Sharma : It is after having acquainted myself with these figures that I want to know whether that area has been declared a famine-stricken area.

Parliamentary Secretary : No.

Pandit Shri Ram Sharma : Why not ?

Parliamentary Secretary : Because it is not a famine-stricken area.

Pandit Shri Ram Sharma : Do not the figures show that it is a famine-stricken area ?

Parliamentary Secretary : No. They do not.

CONTRACTORS WHO APPLIED FOR SUPPLYING TACCARI FODDER.

*5237. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the names and residences of the contractors who applied for supplying Taccavi Fodder in the famine-stricken areas of districts Rohtak, Hissar and Gurgaon during September, 1938 to August, 1939 ;
- (b) the quantity of fodder that each one of these contractors supplied, and the railway stations allotted to each one of these contractors for supplying purposes ;
- (c) the names and the residences of the contractors who have been given contracts from September, 1939, in these districts along with the amount of fodder required to be supplied by them ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a), (b) and (c) Statements are laid on the table.

Pandit Shri Ram Sharma : The statement supplied to me shows that Jan Mohammad and Jahangir Khan were persuaded to accept the contract. May I ask the Parliamentary Secretary, when 15 persons had applied for the contract, why the Government went out of its way to persuade these two gentlemen to accept the contract ?

Parliamentary Secretary : The contracts are awarded to those persons who are in the opinion of the local officers, fit, honest and able to carry on the work properly.

Pandit Shri Ram Sharma : Had the department got any proof of the fitness of these candidates or was the contract awarded on the strength of some previous experience ?

Parliamentary Secretary : The local officers are best judges of the fitness of the prospective contractors. The Government cannot from here decide as to who is or is not fit to carry out the terms of the contract.

Sardar Lal Singh : Will the Parliamentary Secretary please state the method that was adopted in selecting these contractors? Was it done by advertising these contracts?

Minister of Revenue : The contracts could not be advertised. The exigencies of the situation did not permit this procedure. Relief had to be provided without any avoidable delay.

Pandit Shri Ram Sharma : Is it a fact that in the Rohtak district more than half the share of the contract for the supply of bhusa was awarded to Jan Mohammad whereas the remainder was distributed among other contractors? If so, what was the reason?

Minister : The reason was very simple. The person who had enough money to meet the demands of the contract and was otherwise considered fit, was awarded the contract.

Pandit Shri Ram Sharma : Had the department satisfied itself that Jan Mohammad had enough money for the purpose in view?

Minister : The contract is given to the person who can satisfy the requirements without delay.

Pandit Shri Ram Sharma : Will the Honourable Minister please state whether this man, Jan Mohammad, is the same person against whom an enquiry was held in respect of a serious complaint of dishonesty?

Minister : Such complaints are not an unusual affair.

Pandit Shri Ram Sharma : Was the enquiry into that complaint made by an I. C. S. officer?

Minister : Most of such complaints are baseless.

Pandit Shri Ram Sharma : Was this complaint baseless like other complaints referred to by the Honourable Minister?

Minister : May be it was.

Pandit Shri Ram Sharma : Does the Honourable Minister agree with the findings of the officer in this respect? Should I take it that the contract was awarded to the man in question in spite of this enquiry?

Parliamentary Secretary : May I submit that these questions do not arise out of the original question nor out of the supplementaries that were put?

Sardar Lal Singh : Has Jan Mohammad ever worked in this capacity before?

Minister : I have no knowledge of that.

Pandit Shri Ram Sharma : Was this contract awarded to Jan Mohammad in recognition of his services as Chairman of the Reception Committee on the occasion of the procession in connection with the visit of the Honourable Premier and Honourable Minister of Development on 8th October, 1938?

Mr. Speaker : Disallowed.

ADJOURNMENT MOTIONS.

Mr. Speaker : I have received notice of two adjournment motions but as the Annual Budget will be presented, discussed and considered early

next month, following the last year's precedent, I do not propose to allow any adjournment motion till the budget session is over ; unless, of course, I am satisfied that it is so important that it cannot and should not wait till then.

(Diwan Chaman Lall stood up.)

Mr. Speaker : I have given my ruling.

(Diwan Chaman Lall again stood up.)

Mr. Speaker : This matter was discussed at length last year when I disallowed a number of adjournment motions.

Diwan Chaman Lall : I have got a suggestion to make if you will listen to me: I am not discussing your ruling.

Mr. Speaker : I shall gladly receive any suggestion ; but not now and on the floor of the House.

Diwan Chaman Lall : I would not like to discuss privately a matter which affects the House. I would much like the matter to be discussed in the open House.

Mr. Speaker : I cannot allow the honourable member to discuss my ruling.

Diwan Chaman Lall : I can address you on the point of order which has arisen out of the procedure of the House.

Mr. Speaker : What is the point of order ?

Diwan Chaman Lall : The point of order is that before you come to a decision of this nature it would be—

Mr. Speaker : That is not a point of order : It is either an advice or a criticism.

Mian Muhammad Nurullah : On a point of order. Are you sure, Sir, that these subjects will necessarily be discussed in the course of the discussion on the budget demands ?

Mr. Speaker : That is not a point of order. The honourable member may read the last year's proceedings in which every aspect of the matter was fully considered and discussed.

Pandit Shri Ram Sharma : Last year you gave such a ruling at the commencement of the Budget session, whereas now that session has not commenced yet and you have given this ruling.

Mr. Speaker : Because the motions are not important.

Pandit Shri Ram Sharma : Only yesterday you were pleased to say that the motion would be in order if it were worded as it has been today. Now you have ruled that you will allow adjournment motions to be moved only if they concern some very important and urgent matter. May I know whether this interference on the part of the Minister is not an important matter ?

Mr. Speaker : Honourable members should realise in their own interest the importance of an adjournment motion. During this session I have received notices of about 125 adjournment motions ; while in the Mother of Parliaments so many adjournment motions are not moved even in ten years.

Diwan Chaman Lall : It is not a question of making a speech. Since you have referred to the practice in Great Britain—

Mr. Speaker : No speech, please. I am not going to allow any discussion on my ruling.

Diwan Chaman Lall : You must not condemn the Opposition in this manner.

Mr. Speaker : I have condemned nobody. I cannot allow a discussion of my ruling.

Diwan Chaman Lall : I cannot allow any aspersions to be cast on the Opposition.

Mr. Speaker : I did not cast any aspersions on the Opposition. I only drew the attention of the House to the number of adjournment motions of which notices have been given in the current session. Adjournment motions are not only moved by the Opposition—

Diwan Chaman Lall : They are.

Mr. Speaker : Not in all cases.

Diwan Chaman Lall : There is no adjournment motion from the other side. I do ask you to get out of that mentality. (*Interruptions*).

Mr. Speaker : Order, order. I have great regard for the honourable member, but I cannot allow parliamentary procedure to be trampled under foot.

Diwan Chaman Lall : That is exactly my complaint that you have been trampling under foot the rules of procedure.

Mr. Speaker : Please do not say this again.

Diwan Chaman Lall : When you cast aspersions on the Opposition—

Mr. Speaker : I did not cast any aspersion on or insult the Opposition in any way. That is far from me.

Pandit Shri Ram Sharma : Your very tone is such. (*Interruptions*).

Mr. Speaker : I request the honourable Diwan Sahib to be fair and withdraw his remarks.

Diwan Chaman Lall : Do you expect me to withdraw those words? I cast no aspersions. I said I am not going to allow rules of procedure to be trampled under foot either by you—

Mr. Speaker : What did the honourable member say?

Diwan Chaman Lall : I said I am not going to allow rules of procedure to be trampled under foot either by my honourable friend or by you.

Mr. Speaker : The remark was : “you have been trampling under foot the rules of procedure”.

Diwan Chaman Lall : You may rest assured that as long as I am here I cannot permit the rules of procedure to be trampled under foot.

Mr. Speaker : The honourable member said : “you have been trampling the rules of procedure under foot”. That is the remark he should withdraw.

Diwan Chaman Lall : I do not want you to take it in that light. I did not mean to cast any aspersion or that you could trample under foot rules of procedure ; but some time you make some remarks unwittingly and you may come to a judgment that is wrong. We do not consider you to be infallible : you do go wrong.

Mr. Speaker : I do not claim to be infallible and have no hesitation to say so. The honourable member remarked that I have been trampling the rules of procedure under foot. I request him to withdraw that remark.

Diwan Chaman Lall : You will realise that it is far from my intention. You have gone out of the way deliberately. What I say is that on occasions you have been wrong in your rulings.

Mr. Speaker : If my rulings are wrong and inconsistent with the parliamentary practice, the honourable member may move a resolution for my removal from the Chair. I would now request the honourable member the last time to withdraw his remark : "you have been trampling under foot the rules of procedure".

Diwan Chaman Lall : What I have said is this and you should not take this—

Mr. Speaker : If the honourable member used these words, he should withdraw them.

Diwan Chaman Lall : You should not take them in that sense. You have on some occasions said before the House "this ruling of mine is wrong". You said yesterday for instance, when these very words were used.

Mr. Speaker : My ruling may be correct or incorrect ; but a member cannot and should not say that it is wrong. That is unparliamentary. I am not saying that I am never wrong. I often err as a human being. But I ask the honourable member to withdraw his words.

Will the Reporter please read out the notes ?

Diwan Chaman Lall : What exactly is it that you are objecting to ? Are you objecting to this that a statement has been made by me charging you with a deliberate breach of the rules ?

(At this stage the Reporter read out from his notes. "You have been trampling under foot the rules of procedure").

Diwan Chaman Lall : It was not my intention to charge you with a deliberate breach.

Mr. Speaker : Whatever may have been the honourable member's intention, he should withdraw his remarks.

Diwan Chaman Lall : I assure you that there is no aspersion on you regarding a deliberate breach of rules of procedure.

Mr. Speaker : Therefore the honourable member should have no hesitation to withdraw his remarks.

Diwan Chaman Lall : If that is your ruling that it is a deliberate trampling under foot, then I shall continue to assert still that your decisions have on occasions resulted in trampling under foot the rules of procedure. You cannot prevent me from thinking so.

Mr. Speaker : Now the honourable member is adding insult to injury. I, therefore, request him once more to withdraw his words ; and if he does not withdraw them, I shall have to—

Diwan Chaman Lal : Under no threat, Mr. Speaker, am I going to withdraw them.

Mr. Speaker : Then I direct the honourable member to withdraw from the House.

Diwan Chaman Lal : I will.

(Then withdrew Diwan Chaman Lal followed by his party.)

SUPPLEMENTARY ESTIMATES (2ND INSTALMENT).

The Honourable Mr. Manohar Lal : I beg to present the Supplementary Estimates (second instalment) for the year 1939-40, and I have to intimate that the demands made therein are made on the recommendation of His Excellency the Governor.

APPROPRIATION ACCOUNTS AND FINANCE ACCOUNTS

The Honourable Mr. Manohar Lal : Sir, as required by section 169 of the Government of India Act, 1935, I lay on the table the Appropriation Accounts and Finance Accounts of the province for the year 1938-39 and the report of the Auditor-General of India thereon.

POINT OF PRIVILEGE.

Pandit Muni Lal Kalia : Sir, I rise to a point of privilege.

Mr. Speaker : When did the point arise ?

Pandit Muni Lal Kalia : At the time when you went away yesterday after giving your ruling.

Mr. Speaker : Then the honourable member's attention is invited to rule 31 (2).

Pandit Muni Lal Kalia : The question of privilege has arisen just now and it also arose last evening.

Mr. Speaker : What is it ?

Pandit Muni Lal Kalia : It is to the effect that it has come to our knowledge that the Honourable Premier met you in the absence of the members outside the Chamber and it was in consultation with him that later on you returned to the Chair and gave your ruling.

Mr. Speaker : Is that a question of privilege ?

Pandit Muni Lal Kalia : It concerns the privilege of the House. The matter should have been discussed on the floor of the House.

Mr. Speaker : The honourable member is not justified in saying all these things about the Speaker and the Premier.

Pandit Muni Lal Kalia : What I wanted to say is that you should not have consulted the Premier.

Mr. Speaker : Is the Speaker disallowed or forbidden to see the Premier and *vice versa* ?

Pandit Muni Lal Kalia : Not with regard to rulings which he has to give here on the floor of the House.

Mr. Speaker : I never consulted with regard to any ruling.

Pandit Muni Lal Kalia : With regard to the objection that was yesterday raised—

Mr. Speaker : Please refer to the matter of privilege, if any.

Pandit Muni Lal Kalia : It is regrettable that the Honourable Premier approached the Speaker—

Mr. Speaker : Is that all—

Pandit Muni Lal Kalia : You are sometimes approached in our absence. I want to say that such a thing should stop.

Mr. Speaker : Please resume your seat.

Pandit Muni Lal Kalia : I want to have my say. It is my right to have my say.

Mr. Speaker : I cannot allow the honourable member. If he still insists, I direct him to leave the House for the rest of the day.

(Pandit Muni Lal Kalia then left the House.)

EXCISE (AMENDMENT) BILL.

Mr. Speaker : Before the House proceeds to discuss the provisions of the Bill already under discussion, I would like to say that the honourable Pandit Muni Lal Kalia had a discussion with me regarding the points raised by him yesterday with the result that he will not press his objections any further. Therefore the House may proceed to discuss the Bill.

Clause 2.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clauses 3 and 4.

Mr. Speaker : The question is—

That clauses 3 and 4 stand part of the Bill.

The motion was carried.

Preamble.

Mr. Speaker : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Title.

Mr. Speaker : The question is—

That the title be the title of the Bill.

The motion was carried.

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

That the Punjab Excise (Amendment) Bill be passed.

[Minister for Finance.]

In submitting this motion to the House I wish to say one word. It is not the object of Government that this Bill should in any manner become an instrument of harassment or any kind of inconvenience to any member of the public whatsoever. I am here to assure the House, if any assurance were necessary, that the mere possession of any bottles would not be the subject of any attack within the purview of this Bill, and may I say further that I shall take every possible care in framing the rules under this Act so that nobody who possesses ten or twelve or twenty or thirty or forty or even fifty bottles will in any manner be hit by the Act. The sole object is that bottles should not find their way outside the province and the trade may proceed on a regulated basis.

I may further state, as I said yesterday, that actually there is a proposal now on foot to manufacture suitable bottles for this purpose in the Punjab and the Government is going to render every possible assistance open to it in having this industry started. (*Hear, hear*). I have only to add one more word, and that is, that the moment these bottles are manufactured in the province — and I hope that will happen in a short time — these amendments that have been put up to-day will no longer be necessary. That should be enough to commend this Bill to the acceptance of the House.

Mr. Speaker : Motion moved is—

That the Punjab Excise (Amendment) Bill be passed.

Sayed Amjad Ali Shah (Ferozepore East, Muhammadan, Rural) : Sir, I am very glad to hear that the Honourable Finance Minister has clarified the position as regards the possession of beer bottles in small quantities by the public. But I would like to ask him this question. He is probably aware that beer bottles or black bottles, are also used in the manufacture of mineral waters by some mineral water factories and the price of all kinds of bottles is going up. I will give a concrete example.

Mian Muhammad Nurullah : On a point of order. How is it possible for an honourable member of this House to have two seats? This morning he was sitting in that seat and now he is sitting here.

Mr. Speaker : The honourable member is now sitting as an ordinary member of this House. In the other seat he was acting as a parliamentary secretary.

Sayed Amjad Ali Shah : I was drawing the attention of the Honourable Finance Minister to the procedure which is adopted by the Murree Brewery or the other distillery company. They brew the beer, bottle it up and sell it and the price they charge is so much for the beer and so much for the bottle if the bottles are returned to the brewery. These bottles are sometimes utilized by the consumers or dealers in manufacturing aerated water. The Honourable Finance Minister has clarified the position as regards the possession of bottles in small quantities. But what would happen if a mineral water factory possesses 500 dozen empty beer bottles? Would they be penalized under this Act? I hope this point in regard to the possession of bottles by the mineral water factories will be borne in mind when the Minister is framing the rules.

Minister for Finance : I shall certainly bear it in mind.

Mr. Speaker : Question is—

That the Punjab Excise (Amendment) Bill be passed.

The motion was carried.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I move—

That the Punjab Relief of Indebtedness (Amendment) Bill, as reported on by the select committee, be taken into consideration.

Mr. Speaker : Motion moved is—

That the Punjab Relief of Indebtedness (Amendment) Bill, as reported on by the select committee, be taken into consideration.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : I beg to move—

That the Punjab Relief of Indebtedness (Amendment) Bill, as reported on by the select committee, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

4 P. M.

A mere glance at the Bill as it has emerged from the select committee will conclusively show that there have been many drastic changes not only in the provisions of the Bill but also in the principles underlying it. The Bill in fact as it has emerged out of the select committee is entirely different from the original Bill that was introduced in the House sometime ago. The minute of dissent of the Congress members in the select committee, halting and unsatisfactory as I hold it to be, also recognises this fact. I would therefore urge that the changes are so drastic that the Bill should now be circulated for eliciting public opinion. My honourable colleague, Rai Bahadur Mr. Mukand Lal Puri, in his very able minute of dissent has made this point very clear, I will not go over the whole ground traversed by him in his note. Suffice it to say that the entire Opposition (and, I am sorry to find that my Congress friends are not in their seats here to-day) including the zamindar members who have more real sympathy for the poor agriculturists than the lip sympathy shown by the Unionist benches, are at one with us in saying that this Bill having undergone so many changes of a very drastic nature should be published for the purpose of eliciting public opinion. Not only that. I observe that a motion is also to be moved by one of the members of the Unionist party although for reasons different from mine, that the Bill should be submitted again to the same select committee, obviously as a result of the minute of dissent recorded by him. So, there is unanimity of opinion that this Bill as it has emerged out of the select committee is not satisfactory, covers entirely new ground and should therefore be reconsidered. My point in dealing with this Bill in detail at this stage is to show that it is not at all for the benefit of the poor people for whom this supposed sympathy is being shown by those Unionist benches. As a matter of fact it is just to protect their own kith and kin, men of substance, that they are bringing forward this measure and exploiting the name of the poor in connection therewith. If there had been a proposal of a general reduction all round in the rate of interest for the future transactions between the creditor and the debtor, we might have all welcomed it, because in that case the creditor would know on what terms he should or should not advance loans. But

[S. S. Santokh Singh.]

the object here is very different. The Bill seeks to replace one agency, which has been doing this business for centuries, by another. I cannot for one understand why if a certain rate of interest is considered excessive in the case of a certain section of people it should not be considered excessive in the case of another agency, that is, the banks, co-operative societies and so on. The distinction does not stop there. Attempt has been made to create a distinction between banks and banks, between a Banking Co., and a Banking Co. Otherwise, I really cannot understand the significance of the provisions that companies registered under the Companies Act after the 1st of April, 1937 are not to get the benefit of this legislation. What does this provision mean? It can mean only one thing as I have already stated, namely, that the real object of this Government is to displace one set of people who have been carrying on the business for centuries, by another set of people. It is also quite clear that this is not in the interest of the poor people. As I said, if the general reduction of the rate of interest is to apply to all people, one would have understood the significance of the provision. But as it is, I do not understand how the zamindars, the poor debtors will stand to benefit if they are not allowed to pay a certain rate of interest to certain creditors who have been doing this business for centuries while they will be forced to pay that rate of interest, even higher, to others who have come into business only recently. The reason for the provision that this legislation is not to benefit the newly formed joint stock concerns is mysterious indeed. Is the Government really afraid that the urban people might form themselves into joint stock companies, and may get themselves registered under the company's act? Is it to discourage their activities that the Government is providing this clause? I would request the Government to let us know clearly its intentions.

The Honourable Premier has been telling us in season and out of season on the floor of the House that these agrarian measures which his Government has been bringing forward are as much for the protection of honest creditors as for the debtors in general. I should like him to explain how this measure will benefit the honest creditors. May I know whether he believes that there is not even one creditor amongst them who is honest? Is this not an attempt to put difficulties in the way of one class of creditors? If this is not class legislation, setting one class of people against another, I ask in all seriousness, what else is it? To my mind it is clear that the Government is bent upon driving out certain sections of the people from the trade which they have been carrying on for generations.

Proceeding further, I may point out a change, a very drastic change which has been sought to be incorporated in this Bill, a change which was not thought of at the time the Bill was originally introduced in this House. I am referring to the addition of clause 4 (c), which reads, "whose total assets do not exceed five thousand rupees" and here I cannot do better than quote the very able words of the minute of dissent of my honourable friend Rai Bahadur Mukand Lal Puri. He says—

This provision was not in the original Bill nor was it proposed on the first day when the select committee considered all the provisions of the Bill and the new provision was added on the second day when the draft of the select committee was reviewed.

This is indeed a very serious matter. A change of such far-reaching character should not have been incorporated without collecting the necessary data and inviting opinions.

Besides, the clause is very vague and confusing. Formerly this Act applied only to rural areas, now the jurisdiction has been sought to be extended to urban areas as well, and the property of people, whether agriculturists or not, whose total assets do not exceed five thousand rupees is to be exempted from attachment. This is not only in case of future decrees but also in case of decrees that have already been obtained from regular civil courts. This is the position which is sought to be brought about by this change. I should like to ask the promoters of the Bill, in whose interest has this additional clause been brought in? Did the people of urban areas ever make any such request to the Government that their property should be exempted from attachment if the total assets did not exceed rupees five thousand? To the best of my knowledge such a request has never been made by the urban people to this Government or to its predecessors. A Resolution of this nature was moved by my honourable friend Tikka Jagjit Singh and there was full dress debate upon it for one and a half days but it was later withdrawn and the Premier in one of his speeches on the floor of the House assured us that he would take into consideration all the criticism that had been levelled against that Resolution. What do we now find? The Resolution was withdrawn but this additional clause—meaning in effect the same thing—is brought into the Bill. Rai Bahadur Mr. Mukand Lal Puri has made it very clear in his Minute of Dissent. I ask again, for whose benefit has this been done? You have already shaken the credit of the villagers. The position of urban people is however different from that of the villagers. The poor trader in the city has entirely to depend upon credit by way of trade loans. By your stopping this source of credit to him, I am sure you are killing the trade and driving the trader to starvation. No such request has ever been made to you by any *mandiwala* or any association. In all important *mandis*—big or small—there are trade associations comprising of better creditors and debtors and none of them has ever made such a request. I am very much in touch with this class of people and I asked many of them (debtors) whether they will in any way benefit by such a measure and I may tell you that they all unanimously told me that such a measure will do nothing else but kill their credit and their trade. In whose interest then have you brought this in? The debtors do not want it, creditors certainly do not desire it. What business have you to ruin the trade and industry of the towns by this foolish measure? Another most objectionable thing that this amended Bill has brought about is the enlargement of the jurisdiction of the debt conciliation boards. All of us are aware that the debt conciliation boards have not at all worked satisfactorily. Formerly the functions of the debt conciliation boards were very limited. Vast powers are sought to be now given to men of no experience, to men for whom no qualifications have been fixed, to men who know only one thing, and it is to repeat the parrot-like cry, namely, "in the interest of the zamindars" without knowing much about it, and without knowing what that interest really is. Vast powers are to be given to debt conciliation boards and suits amounting to several thousands of rupees are to be entrusted to them with no provision of proper appeal or revision petitions, except where

[S. S. Santokh Singh.]

the amount exceeds Rs. 500 and then too an appeal to the collector or the extra assistant commissioner, or a subordinate judge, 1st class, whom the Government may, in its wisdom, think fit to appoint. Cases of ten thousand rupees and above, as things now stand, are taken in appeal to the Privy Council against the decision of the High Court, but hereafter the decision of the debt conciliation boards with an appeal as above will be absolutely final and no further appeal or revision against their decisions will lie. I ask, will it not be travesty of justice? In whose interest do you do all these things? To protect a few dishonest debtors whom you yourself send to jails even at the present moment of famine in the Hissar district. The Honourable Chaudhri Sir Chhotu Ram was candid enough to admit that it was the dishonest debtors whom the co-operative societies were endeavouring to send to jails, those debtors who had the money but would not pay. This is the position on the one hand and on the other hand you are doing everything possible to put all obstacles in the way of recoveries of the other class of creditors, a class of creditors who have absolutely nothing else to depend upon except the sweet will of the debtor, you are not only taking away all the facilities from these creditors, but you are making things absolutely impossible for them. This is the position that things have been reduced to in this province and I ask if this is not perpetuating class war. If this is not so, I ask in all seriousness, what else is it? When the debt conciliation boards came into existence originally, their function was to call upon the debtor and creditor to explain their case regarding each debt and then to use their best endeavour to induce them to arrive at an amicable settlement. This was the only power given to the debt conciliation boards. Compare it with the powers that you are giving them now. May I ask you whether you are satisfied with the working of these debt conciliation boards to such an extent that you consider it to be your duty to increase their powers in the manner in which you propose to do in this measure? I would not go into the constitution of the boards. The constitution is such that there should be two representatives of the debtors and only one representative of the creditor and in many instances there is practically no representative of the creditor. Members of the board are not required to possess any particular qualifications. They may be the products of sheer favouritism. You can put anybody you like on these boards to register the decrees which you want them to register. You are shy of going to civil courts. The purport of all the legislation that you have introduced from the moment that you came into power is to oust yourself from the jurisdiction of the civil courts. If it were in your power and fortunately it is not so, you would even drive the High Court out of the province. This is the situation that you have brought about. You have no confidence in your own civil courts.

You want them to be replaced by conciliation boards and you want to put your own men there. You want to put your own nominees without prescribing any qualifications for these appointments. That is exactly what it comes to. You want to oust the creditor. Instead of helping the trade and industry you are encouraging bankruptcy in this province. It would be much better if instead of bringing forward this measure, you honestly brought up a bankruptcy encouraging Bill. That will show to the world outside what your motives are and how the system of credit, both urban and rural, is being killed under your regime. You are helping only

those creditors who are your friends. On no other ground can I understand why these joint stock companies which were registered after 1st April, 1937, should be ousted from the benefit of this Act. Is it that their accounts will not be audited, is it that they are not reliable, is it that they have not been properly registered under the Indian Companies Act? No. They are reliable, they are properly registered, their accounts are liable to the same check as those registered before this date; what then is your motive behind this? Why do you not want these institutions to benefit from this legislation? What I infer—and I repeat it—is that you are afraid of urban people their intelligence and resourcefulness. You do not want them to form joint stock companies and you want to oust them from the trade which their forefathers had been carrying on for the last so many years. The Honourable Premier has been repeating times without number, that he wants to help the honest creditor. How is this lip sympathy being translated into action? By the passing of this measure, which provides that whilst this “class of people” will not be entitled to more than $7\frac{1}{2}$ per cent simple interest, the same will not be considered excessive in the case of other institutions, such as, the Imperial bank, banking companies and co-operative societies. What does it all mean? It is nothing but a class legislation. You want to help a particular class, to the detriment of the other.

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

Debts were taken and given under certain circumstances. The creditor found it worth while to give a loan at a certain rate of interest and the debtor found it necessary to take it at that rate. The creditor may have himself borrowed money from others at the then high rate of interest. It should not lie with you to make this arbitrary reduction and to give it retrospective effect. If you want to make general reduction in the rate of interest for future transactions and bring down the burden of the debtor, certainly we will support you, but not this favouritism and nepotism, to benefit a few at the cost of others.

The rate of interest keeps on changing according to circumstances. Government itself borrowed the money at 7 or $7\frac{1}{2}$ per cent during the last war and if this war continues, they may have to borrow even at a higher rate of interest. It should not therefore lie in your mouth to say that because certain moneys were taken by debtors at a certain rate of interest at certain times and under certain circumstances, the decrees should be set aside as a result of this arbitrary measure. It is really an unheard of thing. You say that there is impartiality and justice in it. What justice is there when decrees obtained from regularly constituted courts are to be treated as void only if within 6 months from the passing of this Act any debtor takes it into his head to make a petition before a court that the rate of interest is excessive? How will you justify it and in what way does it benefit the people at large? You may benefit a few hundred people by this measure, those dishonest debtors who have got the money but do not want to pay it, at the expense of honest creditors. The average asset of a villager is hardly Rs. 500 or Rs. 1,000. Why do you bring in this huge amount of Rs. 5,000? In whose interest are you doing that? Can you tell me how many people in this province, for whom you profess so much lip-sympathy, have this asset of five thousand rupees? I think they can be counted on fingers. There will not be more than a few

[S. S. Santokh Singh.]

thousands of such men, and an equal number of such creditors. You say you are very generous. But you are robbing Peter to pay Paul. Poor people as a whole are not going to benefit in any way by this measure. Just a selected few, your own supporters and your own people, whom you want to favour, may benefit. This is a plain and simple situation as it occurs to me and I put it before you without any reservation. I have never heard that the system of credit, the sacredness of which nobody can deny and upon the sanctity of which kingdoms depend, is to be set at naught in the way that the Unionist Government is trying to do. As I have said already the credit of the poor villager is already entirely killed, and now you are going to kill the credit of the small urban people. You say that you have every sympathy with him but this measure will be the cause of his ruin. I may say that by passing these partial and class measures, the day is not very distant when you will be digging your own grave. With these words I propose that the Bill as reported on by the select committee be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

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

That the Punjab Relief of Indebtedness (Amendment) Bill, as reported on by the select committee be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

Lala Sita Ram (Trade Union, Labour) (*Urdu*) : Sir, the Honourable Premier has been pleased to say that there should be no repetition. I would submit that if a reference to the various provisions of the measure and certain facts and circumstances is considered to be repetition, then it is simply impossible to avoid it.

Mr. Deputy Speaker : The honourable member should proceed with his speech.

Lala Sita Ram : Very well, Sir. I have given notice of an amendment to the motion under consideration which is similar to the one moved by my honourable friend Sardar Sahib Sardar Santokh Singh. The only difference is with regard to the date. Now the very first reason which actuated me to give notice of this amendment is that the Bill has emerged from the select committee after having undergone radical changes. If the changes made by the select committee pertained only to drafting or were of little consequence I would have, perhaps, refrained from moving for circulation of the Bill for eliciting public opinion thereon. But the select committee has effected such far-reaching changes and amendments as make its circulation not only desirable but absolutely necessary.

Now let me refer briefly to these changes. I know, Sir, that in the absence of the Opposition at this juncture and the usual attitude adopted by the Ministry and the Unionist party in regard to such measures even the most cogent arguments advanced by us will fall on deaf ears. But in spite of this as well as of the fact that there are only three or four members of the Independent party present in the House, we consider it our bounden duty to point out the mistakes that are being and are going to be committed by the Government. If this House, as at present constituted, does not pay heed to what we say, the Press, and through it the public at large, will realize the gravity of these mistakes on the part of the Government. Sir, when the agrarian Bills were under discussion I, along with certain other honourable

members gave bold expression to our not unfounded fears that they were class measures out and out. The Government assured us at every step that those measures were designed to help honest money lenders by weeding out the dishonest creditors who usually resorted to dishonest and objectionable practices. That was the remedy sought by which they wanted to remove the grievances of the debtors. But we knew that in their heart of hearts they were not after weeding out the dishonest money-lenders, but their real object was something sacred to them. I am, however, glad that very soon the Unipnist cat has been out of the bag in the shape of this Bill.

The Honourable Premier is in the habit of saying, in season and out of it, that an honest man has nothing to fear from. But I make him a present of the fact that the effect of the various efforts of the Government in this connection has been quite opposite to the object they professed to have at heart. Instead of the dishonest money-lenders the honest ones are saying good-bye to this profession. I may be allowed once more to point out, Sir, that a money-lender cannot resort to dishonest practice unless there is a dishonest debtor to assist him. There is nothing bad or objectionable in the profession of money-lending. The debtors themselves assist the money-lenders in evading the provisions of the law and thus dishonesty and malpractices are the result of mutual co-operation. Therefore, Sir, if the Government has any ulterior motive in enacting this law the position will be quite different. But they should not contend that this measure has been brought forward for the benefit of the public at large and aims at restoring the morale of the profession. And it is for this very reason that I submit that no discrimination and inequity should be allowed to be contained in the provisions of this measure. The Honourable Minister is shaking his head to signify that there is no such thing in the measure. But I shall presently point out to him wherein discrimination and inequity lie. Let him face a few facts. The first thing to which I wish to draw his attention is that the maximum rate of interest allowed at present is 12 per cent on secured loans and about 18 per cent on unsecured ones and now it is proposed to reduce these rates to $7\frac{1}{2}$ and 12 per cent, respectively. (*Interruption.*) I am not concerned with the rates allowed in other provinces. The question is whether in the opinion of the Government the proposed rates are reasonable. If the previous rate of 12 per cent was unreasonable and the proposed rate of $7\frac{1}{2}$ per cent is considered quite reasonable by the Government, let them by means of a notification or otherwise, make it clear that this is the opinion of the Government and that they are going to stick to it in all cases. But do they stick to that position? Certainly not. Because instead of applying uniform rates in all cases they are allowing the Imperial Bank, the co-operative credit banks and some other banks mentioned in Schedule 2 to charge higher rates, while the same concession is withheld from other banks which came into existence after the year 1937, as well as from private money-lenders. I ask, Sir, how do they justify this discrimination? Why not adopt uniform policy? Why are they meting out a preferential treatment to bigger banks? My submission is that they should adopt an absolutely uniform policy and that if there has to be any discrimination at all, it should be the other way about, i.e., preferential treatment should be meted out to smaller banks which have come into existence recently and the bigger banks should be made to charge lower rates of interest. The reason is

[L. Sita Ram.]

quite obvious. The business of banking has two functions to perform; to borrow money and to lend it. Obviously the bigger banks can always borrow any amount of money at very low rates.

For example, if the Government want to have loans, they can have them subscribed in a few minutes at a very low rate of interest. And similarly if the Imperial Bank or some other established bank of long standing wants to borrow money say, at the rate of one per cent or at the most 2 per cent, the people are forthcoming to lend a pile of money for two or three years. It must be clear that when big banks can pay 2 per cent interest they can also very conveniently lend money at the rate of 4 or 5 per cent. But how can those banks which get fixed deposits only by paying higher rates of interest bear so much burden? My submission is that if big banks carry on this practice as they are doing, how can the smaller banks be able to pay more interest? If in competition they do, it will result in clear loss. I am, therefore, of the opinion that it will be improper to impose this restriction on such banks or on private money-lenders who are carrying on their profession honestly. The Government may lower the rate of interest to the extent of 7 or $7\frac{1}{2}$ per cent, we have nothing to quarrel about. But my submission is that it should be the duty of the Government to fix a uniform rate of interest, whatever it may be, for all. It may be any thing, we do not object to it. But I must say that this distinction is quite meaningless. If the Government is at all going to stick to its proposal, I am afraid the business will cease to flourish on account of the reasons which are obvious.

Minister for Development: On a point of order. Is the discussion on the merits of particular clauses relevant when a motion that the Bill should be recommitted to the select committee or circulated for the purpose of eliciting public opinion thereon, is under discussion?

Mr. Deputy Speaker: The honourable member may discuss the general principles underlying the Bill.

Lala Sita Ram: I was referring to various banks which are charging interest at the rate of 7 per cent or more. Sir, the general principle underlying the Bill is in regard to the rate of interest. With your leave I shall read out the amendment to you.

Mr. Deputy Speaker: The honourable member need not read the amendment, but he can discuss the general principles underlying the Bill.

Lala Sita Ram: I was submitting that the underlying motive of this Bill is something else, whereas *prima facie* some other motive has been stated by the Government as it was done in the case of agrarian Bills. Had the Government been satisfied with fixing a uniform rate of interest, it could have been discussed whether it was more or it was less. But this distinction in the rate of interest has shown the ulterior motives of the Government. I may be permitted to say that if the Government have some malice against a certain class of people, the money-lenders, they may do whatever they like. But they should have possessed so much brains as to understand the beat of time. It was but a demand of common sense that the Government should

have adopted a reasonable attitude so far as this common matter is concerned. The Government might say that some people have been charging interest at the rate of 7 per cent and if they are now by this measure compelled to charge the interest at the same rate where is the harm? My submission is that the law allowed us a certain privilege in the case of difficult transaction in the light of which we have done some business and incurred expenditure accordingly. But now we are, all of a sudden, asked to accept about half the income. How can we meet the situation? The Government laid down in 1984 that interest charged should not be more than 12 per cent. Now after a period of five or six years it has been reduced to about one-half, that is to say $7\frac{1}{2}$ per cent. The question is whether any member or any Government official would ever like to bear the same brunt, if his income is reduced by half.

I am afraid it would be very difficult for a money-lender or a new bank to flourish by charging not more than 7 per cent interest. If a bank which has been charging ten, eleven or twelve per cent interest is now compelled to charge six or seven per cent interest, where would its income go? Obviously it will decrease in no time. This is the second point which I want to submit. And the third point is this that the Government has unfortunately some malice and prejudice against non-agriculturists. I should, therefore, submit that they are misunderstanding and confusing the facts. For instance, it is presumed by the Government that if a money-lender who has say, one lakh of rupees, charges 12 per cent interest, he will gain a lot and his annual income will increase to a great extent. The Government in reckoning and estimating his income, have ignored his expenditure altogether. I should also like to point out that the money of such a person is divided amongst different debtors and if he charges 12 per cent interest it is to safeguard his money. I do admit that when 12 per cent rate of interest was allowed some money-lenders used to charge only 6 per cent interest. But my honourable friends opposite should bear in mind that 6 per cent interest was charged from honest debtors who would borrow money for business purposes and would make payments in time. I must say that so far as an honest debtor is concerned he is still receiving money at a satisfactory rate of interest. But what about the dishonest one?

(At this stage Khan Muhammad Yusuf Khan drew the attention of the Chair to the absence of quorum in the Assembly. On division bell being rung Assembly was found to be in quorum.)

I was submitting, Sir, that the Government did not pay any attention to the great losses that the money lenders have frequently to suffer in carrying on their trade. They have to face tremendous odds and have to undergo various hardships. Even honest debtors sometimes cause a loss to the money-lenders. For instance, a man borrows money for an honest purpose of starting business therewith. Unfortunately his business does not flourish, owing to competition or some other cause. When his business is ruined he is unable to pay his debt or interest. The loss of the honest debtor in such a case becomes the loss of the money-lender. If, on the other hand, the business of a debtor flourishes and he reaps a big harvest of profits, he does not pay anything to the money-lender over and above the small interest that had been fixed in the beginning. His earnings

[L. Sita Ram.]

and benefits are entirely his own. But his losses are not his. Unfortunately they have to be borne by the money-lenders, because he would innocently tell them "Look here I have lost everything. My business has been ruined. I am penniless." It is very strange indeed that no one pays any heed to such frequent and huge losses of the money-lenders. No protection is offered to them. On the other hand, everything possible is being done to protect the debtors.

Now let us come to the dishonest debtors. They know a hundred and one ways to avoid payment, because they lack the will to pay. Unfortunately the recent legislation offers them various protections. They can easily take shelter behind one or other provision of the debt legislation. Some of them have joint families and avoid responsibilities. Some of them transfer their property to defraud the creditor.

It will be interesting to calculate here the actual income of the money-lender, if he were to charge interest at $7\frac{1}{2}$ per cent per annum. At this rate the monthly income of a money-lender, who lends one hundred rupees, would come to 10 annas only. Now let us deduct what he has to pay to the Government as income tax, his court expenses for realisation—

Minister of Development : What has that to do with the motion under discussion? The motion is that it should be circulated for eliciting public opinion thereon. Whether the discussion of various rates of interest chargeable is relevant under this motion is very doubtful.

Mr. Deputy Speaker : The honourable member is relevant, but he is guilty of repetition. I would request him to be brief so far as that point is concerned.

Lala Sita Ram : Sir, I was taking this latitude because none else was to speak on this point from this side of the House. Any way I will comply with your orders. I was submitting that the money-lenders have to suffer many losses in their trade. The Government should also take them in view. Can anyone sitting on the Unionist benches, tell me what would be the income of a money-lender who lends one lakh of rupees at $7\frac{1}{2}$ per cent per annum? (*Nawab Sir Shah Nawaz Khan :* You know your trade.) It will be about Rs. 600 per month and Rs. 7,200 per annum.

Mr. Deputy Speaker : Please address the Chair.

Lala Sita Ram : I was submitting this to the honourable members through you, Sir, that a money-lender would receive Rs. 7,200 per annum as interest for a debt of one lakh of rupees. Let us consider against this the losses of the money-lenders due to bad debts. It is a misconception to hold that a money-lender makes exorbitant profits. I want to remove this misunderstanding once for all. In reality the money-lenders have a very meagre margin left. Then you will observe, Sir, that it is sought to put every sort of impediment in the way of a money-lender, honest or otherwise, in the realisation of his debts. But strange to say the dishonest debtor has been let off scot free. There is nothing in the Bill which may ensure that such and such action would be taken against a dishonest debtor, if he deliberately and wilfully evades to pay off his debts. Even the Government appears to have no inclination to do anything in this respect. Besides, I can anticipate that Government would advance this argument that when a very low rate of interest is being charged in the money

market of foreign countries, there is no reason why in this province it should not be reduced. But I may point out that my honourable friends over there lose sight of the fact that in those countries various facilities have been provided to the money-lenders in the realisation of their debts. For instance, there the Government would issue a certificate to the mortgagee to the effect that the money advanced against a particular mortgage was safe and no dispute could arise for the transfer of the title or possession to the debtor. As a matter of fact the Government guarantees the realisation of the debts. If here in the Punjab such facilities are provided by the Government, I am sure, the money-lenders would be prepared to advance loans at a rate of interest much lower than the one proposed in this Bill. But here the debtor has been unduly favoured. On the one hand, the Government have reduced the rate of interest and fixed it at $7\frac{1}{2}$ per cent while, on the other, the debtor is at liberty to move the various courts as many times as he pleases. I hope that Government would take this fact also into consideration and then finally fix the rate of interest. But I have serious apprehensions that, not to speak of realising the interest, even the principal is in danger. It is a pity that Government have paid attention to only one side of the matter. They have ignored the difficulties confronting a money-lender whose investment is constantly in jeopardy. They should see from the economic point of view as to how much actual profit a money-lender derives from his investments. In this connection I may submit that no amount of legislation, however stringent it may be, would succeed in lowering the rate of interest. It is purely an economic question—a question of supply and demand. He who badly stands in need of money would certainly be prepared to pay a higher amount of interest. But I am of the opinion that if facilities for the realisation of debts are provided by the Government, the rate of interest charged by the money-lender would automatically come down. But if the Government feel averse to do so, let them come forward and liberally advance loans from their own coffers at a low rate of interest to the needy persons whom they claim to benefit by this legislation. They should thus give proof of their sincerity. But I cannot help saying that they want to penalise one class in order to favour another, I mean the debtors. In this connection I am reminded of a story which aptly applies to the position in which the money-lenders have been placed. A teacher had been coaching a boy in arithmetic for a considerable period. He very diligently taught him to solve problems of the rates of interest. One day he asked him to calculate the amount of interest on a principal amount of Rs. 2,000 advanced at the rate of $7\frac{1}{2}$ per cent per annum to his father for six months. The boy was very intelligent and was expected to come forward with the correct answer, but to the great amazement and disappointment of the teacher, he worked out the answer as zero. The teacher became indignant and remarked, "My boy, I am simply shocked to see you arriving at such an answer. It means you know nothing of arithmetic." Very humbly the boy replied, "Don't be angry, Sir, I may be knowing less of arithmetic but I know more of my father, who would never repay the principal, much less the interest thereon." (*Laughter.*) That is exactly what the dishonest debtors do. Well, Sir, what I want to drive at is that apart from the reduction in the rate of interest the money-lenders are experiencing great difficulties in realising their principal amounts.

An Honourable Member : The time is not far off when the payment of principal amounts would actually be repudiated by the debtors.

Lala Sita Ram : That is what we expect at your hands. If the Government are bent upon bringing about the ruination of money-lenders, it would not be a surprise when one fine morning they introduce a measure purporting to wholesale wiping off of all debts.

Mr. Deputy Speaker : I would request the honourable member to proceed with his speech and not reply to the interruptions.

Lala Sita Ram : Now I would like to make a few observations about the debt conciliation boards. This Bill seeks to strengthen their hands, and consequently vast powers have been vested in them. As a matter of fact Government have transformed them from the boards of conciliation into boards of adjudication. I may point out that debt conciliation boards were established with the sole purpose of bringing about an amicable settlement between debtors and creditors. It was never intended that these boards would act as courts in determining whether a debt was due or not. They were never given any powers of adjudication. But under the proposed Bill they have been empowered to give their verdict as to what extent a creditor is entitled to a particular amount of money. Again by the addition of sub-clause (c) in clause 4 of the Bill, the definition of the debtor has been enlarged so as to bring all debtors within the jurisdiction of the boards. In other words, the effect of this provision would be practically to entrust the entire work of the civil courts to these boards. Besides, note should be taken of another radical amendment which changes the entire nature of the boards. This is the omission of the proviso to section 20 of the Relief of Indebtedness Act, which requires the minimum amount to be paid to the creditors to be at least 40 per cent of his dues. As I have already stated the debt conciliation boards are replacing the civil courts. But I may be excused if I say that it is very doubtful if the members of these boards are competent or qualified enough to perform those duties which were previously discharged by the civil courts. I do not mean to cast aspersions on anybody. I am talking of things from the legal point of view.

An Honourable Member : It is not the qualifications but the sympathy of the members that is needed most.

Lala Sita Ram : My friend is talking of sympathy because his own interests are safe. If the Bill had adversely affected him, I am sure, he would not have talked so lightly.

Mr. Deputy Speaker : I request the honourable member to proceed with his speech.

Lala Sita Ram : Sir, when honourable members opposite interrupt me it is but natural that I should make a retort. Adverting to the subject proper, I may point out that there is no justification for giving a retrospective effect to the change in the substantive law. I am at a loss to understand this attitude on the part of the Government. However, I do admit that the Government have every right to bring in any measure they like but I ask them and particularly the Honourable Minister-in-charge whether it is justified that they should compel money-lenders to vomit out what they had already received from the debtors by giving a retrospective

effect to the Bill now before the House. Surely it is not justified. I am opposed to this thing on principle. Let the Government bring in any measure they like but for God's sake they should not give retrospective effect to such-like measures. This attitude of theirs is opposed to all canons of justice and fairplay. Let me, again, sound a note of warning to them. If tomorrow the Congress comes into power in the Punjab and enacts a measure fixing the salaries of Ministers at Rs. 500 and gives it a retrospective effect. How will the Honourable Minister now in power like that measure?

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

Lala Sita Ram : I am perfectly relevant, Sir. I am merely quoting an example. I ask the honourable members over there, if they will be prepared to pay back the money which they have received in excess of Rs. 500 per mensem? From this it should not be concluded that I am at one with those who believe in such a low salary. On the contrary I regard that, keeping in view the position and status of Ministers, it is but necessary that they should be paid handsomely. But I was simply giving an example to show that it is the height of injustice to give retrospective effect to any law. Similar is the case with our labour class. Generally the labourers are now getting one rupee a day as wages and if ten years afterwards they come into power and pass a law increasing their wages to Rs. 2 and give it a retrospective effect, will it be justified? Will any employer with his head on his shoulders submit to such a law? In the circumstances I request the Government that they may enact any measure they like because they have a majority in the House, but it behoves them not to give retrospective effect to any measure. If they do so they will be creating a bad precedent for future governments.

Besides, I may point out that the Government have no right whatsoever to give retrospective effect to the measure which is now before the House. They have a right to repeal old measures and enact new ones, but I ask them how far it is justified to declare transactions as invalid which have been legally done under the provisions of the laws then in force. After all, the old Acts were framed according to the dictates and needs of the times, and moneylenders have done their business according to the provisions of those Acts. By giving retrospective effect to this measure the Government are doing great injustice to the money-lending class. I ask them to refer this matter to one of their colleagues, the Honourable Mr. Manohar Lal, whether or not it is justified.

Now reverting to the question of debt conciliation boards, I may point out that if the Bill now before the House is accepted that would go a long way in extending the powers of the debt conciliation boards. This would be tantamount to entrusting the entire work of the civil courts to these boards. In my opinion such wide powers should not be given to these boards. So far as the decisions of the civil courts are concerned one can file appeals before the High Court. But no appeal will lie against the decisions of the debt conciliation boards. As a matter of fact their decisions will be the last word. In the circumstances I request the honourable members not to leave the money-lenders to the mercy of the debt conciliation boards. So

[L. Sita Ram.]

much about the conciliation boards. As regards other points I will express my views at the time of moving my amendments to the Bill.

There is one thing more which I would like to bring to the notice of the honourable members. I have not been able to understand why an exemption has been made in the case of loans advanced by Imperial Bank of India or any bank included in the Second Schedule to the Reserve Bank of India Act, 1934, or any banking company registered under the Indian Companies Act, 1913, prior to the first day of April, 1937. This is beyond my comprehension. Now I leave the matter here and at the time of moving amendments to this Bill I will say a word or two on this point as well.

Well, Sir, by placing these facts before the House I want to point out the fact that radical changes have been effected in this Bill in course of the deliberations of the select committee. As my honourable friend, Mr. Mukand Lal Puri stated, the question of exempting house property worth Rs. 5,000 from attachment was not taken up in its first meeting, but was, as an after-thought, considered in the next day's meeting. Now I beg to submit, Sir, that by exempting house property of the value of Rs. 5,000 the Government will be giving an opportunity to a dishonest debtor for evading the payment of his debt by getting all his property transferred to his wife or children. This is a clear case of depriving those persons of their money who have honestly lent it out to the debtors and there seems to be no justification for doing so. So far as discouraging dishonest money-lending is concerned there cannot be any objection to the Government doing all in their power to stop all malpractices, but it is rank highhandedness on their part to enact measures which will debar even honest money-lenders from carrying on their business.

The Government wanted the money-lenders to keep regular accounts and consequently a Bill was passed to this effect. But now that the money-lenders have opened banks and are keeping regular accounts, the Government have come forward with this Bill and by imposing several restrictions on them, you are not giving them the same facilities and concessions which the other banks have been enjoying. You are thus making a distinction between such banks and the other banks like the Imperial and the Co-operative banks. All this goes to show that by enacting this measure you merely want to benefit a few banks. In view of all that, I am at a loss to understand why the Government does not altogether prohibit private money-lending. It is not proper for them to adopt this roundabout way for preventing the money-lenders from carrying on their business. As my honourable friend Sardar Sahib Sardar Santokh Singh, who had given notice of an identical motion, has very ably put the case before the House, I do not want to take much time and would end my speech here with the words that in view of the radical changes having been effected the Bill should be circulated for eliciting public opinion.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural): Sir, the people who sponsor this Bill flatter themselves that they are the benefactors of the poor and helpers of the down-trodden. That role has, however, been long played out because it is well known that the realization of any decrees from even well-to-do agriculturists has been made

impossible and it is further recognized on all hands that the agricultural credit in this province has been killed beyond redemption. So far as the actual cultivator of the soil was concerned and so far as the small holder in the province was concerned, he was sufficiently well-protected by the legislations which had been passed long before the Relief of Indebtedness Act and the Debtors' Protection Act came into force. The attempt, which has been made under the influence of the Unionist party, whether in the form of the Debtors' Protection Act or in the form of the Relief of Indebtedness Act, has been to give additional help to the capitalist landlord to evade the payment of his just dues. This legislation has been designed with a view to ensure that a person, holding property whether in the form of land or in the form of houses and palatial buildings should be saved from the obligation of paying his debts while continuing to own the entire property which he holds. As far as the agricultural tribes are concerned, their entire land is exempt from attachment. The question is whether the produce of their land is even available to the creditor. No, because only a few years lease is permissible and by the Acts which have been passed it has been laid down that before this land can be leased out, a provision should be made for the maintenance out of that produce not only of the judgment-debtor but also of all the persons who are dependent upon him. You know very well, Sir, that this provision makes it absolutely impossible for any person to realise anything from the produce of the land, because the average holding of an agriculturist in this province is about 8 or 10 acres and the produce of that land even in the best of times is hardly sufficient to maintain half a dozen people who would come forward as his dependents. Having thus arranged that the property whether in the form of corpus or whether in the form of its usufruct is free from attachment, it is further provided that other forms of property owned by an agriculturist should also be immune from attachment. What does an agriculturist for the matter of that possess? Usually only a house in the form of immovable property. Under section 60 of the Civil Procedure Code the house of every agriculturist is immune from attachment. (*Premier*: Already.) Yes, already. No doubt, it was so, even before the Relief of Indebtedness Act came into operation, and it is a very sensible provision too, because a tiller of the soil, an agriculturist, who has to produce crops and who has to work, wants a house to give him shelter. Long before the present Government came into power or long before the present Government started its campaign, his house was free from attachment. But how did the courts interpret the word "agriculturist" as used in section 60 of the Civil Procedure Code? They interpreted it as "a tiller of the soil" or "a small holder." But the present Government was not content with this interpretation. Throughout the length and breadth of India, the word "agriculturist" is understood in that sense. Section 60 of the Civil Procedure Code, occurs in an All-India enactment and it has been the subject of interpretation by almost all the High Courts. They have held that the word "agriculturist" meant a small holder and the actual tiller of the soil. The matter came up also before the Lahore High Court in a recent Full Bench and they have also held the same and adopted the same interpretation as the other High Courts. So far as the small holder was concerned and so far as the house of an agriculturist in a village was concerned, you will be pleased to observe, Sir, it was free from attachment

[R. B. Mukand Lal Puri.]

under the Civil Procedure Code. Then under the Relief of Indebtedness Act, 1935, an attempt was made that not one but all the houses in the village should be free from attachment and an amendment of section 60, Civil Procedure Code, was made that if an agriculturist owned other houses in the village in addition to the one he was occupying but he had not let it out on rent, that would also be exempted. That was the effect of the Relief of Indebtedness Act of 1935. Therefore, the legislation so far existing, ensured the exemption of land or its produce and also the houses from attachment in execution of decrees. Of course, movable property is very elusive: it can be concealed but even with respect to that you will be pleased to observe that in the Civil Procedure Code and other Revenue and other Acts, cattle of cultivators, which are used for cultivation purposes, standing crops, etc., were exempt from attachment. It was, however, quite possible for a creditor, to attach milch cattle, which were not used for ploughing or other agricultural pursuits. It is proposed under the present Bill to exempt them also, in their entirety. Further, you will be pleased to observe that these big landlords, not only own houses in their villages where they own land, but also own big bungalows and houses at the headquarters of the district and at hill stations like Simla and Dalhousie and one of the amendments which is now proposed in the present Bill by this Government which prides itself on being a protector of the weak, needy and poor, is, that all those houses of big landlords provided they are not let out should also be exempt from attachment irrespective of their number or their value. And they are now being exempted with retrospective effect. Therefore, as I submitted the tendency of legislation introduced by the present Government, has been so far to see that the debts incurred by the rich and capitalist landlords are wiped out while keeping their entire property intact. To say the least, this is not an honest way of doing things. This has certainly no connection with their oft repeated cry of their desire to help an honest debtor and punishing a dishonest creditor. What need is there for this Government or for any government to further help people, whose land is protected, whose houses in the village are protected, whose movable property is protected, in evading the payment of their just debts, by further providing that their houses, not one but any number, say 10, situated in urban areas, like Lahore or some hill stations, should be exempted from attachment? Are these people poor? What is the policy underlying this curious amendment? I ask the Government, if it is not a fact, that the only object of the amendment which they propose in this Relief of Indebtedness Act with respect to section 60 of the Civil Procedure Code is to exempt all the urban property of admittedly rich landlords from attachment and has no reference to small holders, or tillers of soil or poor people. Therefore, those people who say they are out to protect the poor and are out to punish the dishonest debtors are merely raising a false cry because the present legislation does nothing of the kind. There is no word in this amendment of section 60, Civil Procedure Code, which is calculated to help in the slightest degree the tillers of the soil or the small holders. It is often repeated that the agriculturist needs protection. Against whom and for what? They are sufficiently protected and there is no need of any further legislation to achieve this end. To me, it appears, that the present legislation is aimed at ruining the non-agriculturists. The restrictions on credit may or may not be good for the

agriculturists. I am prepared to leave the decision of this question to them. In my opinion, I assert that the restrictions on the credit of the agriculturists of the kind which exist in the province are most detrimental to the interests of small holders and agriculturists generally, because you restrict their credit only with one class of creditors while you are allowing unlimited credit to the agriculturists with another class of creditors. It is well known that members of notified agricultural tribes have to sell their land occasionally at nominal prices to other members of the agricultural tribe or mortgage it on very unfair terms with other members of the agricultural tribe, so that among themselves these members of the notified agricultural tribes enjoy unlimited and unrestricted credit. The need for credit, as has been pointed out, cannot be denied by any section of the House, and would be felt by the most conservative person. What happens in time of need? He has only one method of credit and that is with his brother statutory agriculturists. What happens in such cases is very well illustrated in the note of dissent which has been appended by Sodhi Harnam Singh, a member of the ministerial party, and a great friend of the debtors, a note which seems to have been inspired by the sponsors of the legislation. I would like my honourable friend over there to appreciate a piece of advice given by one of the members of his own party and one who agrees with him on almost all other points. This is what he says :—

If this measure is accepted by the Government, then this will go a long way to reduce the misery of the zamindars. We have got two kinds of Banias, one is a Hindu Bania, and the other is a Jat Bania, and the latter does not advance money on promotes or bonds, but he does it on mortgages with possession. A zamindar who is in need of Rs. 100 to purchase a bullock and some seeds to cultivate his lands, will go to a Jat Bania (as a Hindu Bania would not lend money in these days) to get Rs. 100 for this money he will either purchase or mortgage with possession 2 or 3 acres of his land and the other condition which generally is that the mortgaged land is not to be released within next 5 or 6 years. A zamindar has no option but to accept these arbitrary terms, otherwise he cannot cultivate his land, and will have to starve himself. This land which has been mortgaged might be able to bring the Jat Bania from Rs. 30 to Rs. 40 per annum. In 6 years time this creditor is bound to realize over Rs. 200 and still the principal stands to be realized, and if that land is not released for 20 years, then just imagine the amount this creditor is to realize in that period, it will not be less than 7 times of the amount originally lent. I mention here a case of my own tenant. His name is Budh Singh and lives in village Ferozeshah, he and his brother used to cultivate my lands in village Sultankhanwala, he began to lend out some of his savings by way of taking lands on mortgage and gradually he increased his business, and when he got 20 or 30 acres of land mortgaged with him, he left the cultivation of my land and began to earn more money, now he possesses two to three hundred acres of land, and he has a capital over a lac of rupees, he made himself a wealthy man only in last 20 years. If we want to save a zamindar then we must protect him fully, and should bring him out of the clutches of these Jat Banias we should not have any sympathies with these Jat Banias because they are Jats, I consider them even worse than Hindu Banias. We have fixed the rate of interest, but how is this going to effect in a transaction of a mortgage with possession—

Now, Sir, he has given an illustration of a person who has been taking mortgages. I know of instances where members of a notified agricultural tribe have parted with their property in case of need for a song. I know of a lawyer who in lieu of his fee had the land of his client mutated in his name for a part of his fee. Ordinarily his land according to the market price would fetch Rs. 300 or Rs. 400 but this was purchased for Rs. 50 or Rs. 60. Therefore you notice that this restriction of credit or this killing of credit

[R. B. Mukand Lal Puri.]

of the agriculturists with the non-agriculturists has not done them any good. That is my humble opinion and I am supported in this by those who have studied this problem. This unfortunately suits the big landlord class or the agriculturist capitalists who have captured the present Punjab Government. Anyhow they are welcome to hold these opinions and if they do not want to have any credit with non-agriculturists, they are welcome to their opinion. I would, however, say that they should not pass these laws with retrospective effect because that would be robbing the non-agriculturists. But be that as it may, in my opinion the old debt of the agriculturist population has practically been settled as it has been wiped out already. What I wish to protest against most is the attempt of these people to reduce the non-agriculturists to the same level to which they have reduced themselves. They cannot see us running our business and our shops and our factories which are mostly running on borrowed capital in such a good fashion and the spirit underlying all or some of the sponsors of this legislation is that these urban people should be suppressed, and that is the spirit which I must strongly protest against. Otherwise what need is there, I respectfully ask you and through you the members of this Government, to legislate about matters which affect us without consulting us? After all, is there any representative body of opinion amongst the non-agriculturists who have asked them to make similar provisions for our sake? It is not uncharitable therefore to think that this kind of legislation may have been devised with that motive.

Sir, this is a circulation motion and I wish to place before you the reasons why this Bill should be circulated for eliciting public opinion, apart altogether from the merits of the Bill. If ever a new Bill, an entirely new Bill emerged out of the select committee, it is this Bill, and I wish to place before this House the various clauses of the Bill as it has emerged out of the select committee to show that in the wildest contemplation of those who joined the select committee the provisions which are now found to be embodied in the Bill could not be possible.

Let us see. I draw the attention of the House to the Annexures to the Report where the Bill as it has emerged from the select committee is printed in parallel columns with the Bill as it was introduced in the Assembly on the 12th December, 1939. You will notice that in the column dealing with the Bill as introduced, absolutely no amendment was intended with respect to section 2 of the Punjab Relief of Indebtedness Act, 1934. What do we find that the select committee has done? A section of the Bill which was not intended to be amended is amended in the form which changes its entire character. Now, supposing a Bill is introduced to amend section 60 of the Civil Procedure Code. The leave for introduction is given. The circulation stage has been omitted and there has been publication in the Gazette. The attention of the country is directed towards the fact that Government intends to have some kind of amendment of a particular provision, say section 60 of the Civil Procedure Code. Supposing the select committee in addition to amending section 60, amends sections 5 and 151, matters entirely unconnected with section 60, would you or would you not in the circumstances call that Bill an entirely new Bill? After all we should safeguard the interests of our constituents and all people whom we represent.

and we are anxious to avail of any opportunity to do our bit to protect their interest. Therefore when any one is elected to a select committee, he goes armed with necessary law or literature to meet a certain point of view or to press another, connected with the proposed legislation.

Dr. Sir Gokul Chand Narang : On a point of order. I think there is no quorum at present in the House.

(After the ringing of the bell.)

Mr. Deputy Speaker : The House is in quorum. The honourable member can go on with his speech.

Rai Bahadur Mukand Lal Puri : I was pointing out that the amendment of section 2 is an amendment which was not contemplated in the original Bill and is an amendment of an entirely new section. You will be pleased to observe that this amendment is not only of a radical character but practically amends the whole Act because it defines the term 'court' in a manner in which it is not defined anywhere else in the world. What is the result? The result is that it is not only an amendment of one section but an amendment of all the sections in which the word occurs. You will be pleased to observe that another definition has been added. It reads—

'Court' or 'Civil Court' includes a Court of insolvency, a receiver appointed under the Provincial Insolvency Act, 1920, and an arbitrator appointed with the consent of the parties or by an order of a Court.'

I am speaking in a House in which there are some well-known lawyers. Amongst the members of Government there are some leading lawyers. May I ask them whether in any Act an arbitrator has ever been considered to be a court? Are they aware of the fact that arbitrators and receivers for the purposes of the Indebtedness Relief Act have been definitely excluded from the category of courts under the interpretations which have been put upon the word 'court' by the Judicial Commissioners of the Central Provinces and by the Madras High Court and by the Calcutta High Court? If a revolutionary change of that kind was contemplated, then it was up to the Government to publish it. Perhaps if they had sent it to some of the district judges or to the Legal Remembrancer, they would have pointed out the anomalies in the definition, and the difficulties and conflicts which the adoption of this definition would create. In any case the members of the select committee who go there to assist the select committee with whatever little knowledge they possess on this subject would be excused, if as a surprise sprung upon them, they are not in a position to give considered advice, or to point out that the adoption of this definition would conflict with any other provisions in the Act or would over-rule several provisions of the Insolvency Act which may not be permissible under the Government of India Act, and further as to what the effect of this definition would be on the working of the Insolvency Act, or other Acts.

I have found observations reported in the law reports of India where the difficulty has been pointed out whether when property has vested in a receiver under section 28 (2) of the Provincial Insolvency Act, there are any debts which still continue owing by the debtor to the creditor, whether there is any debtor at all, whether there are any assets of the debtor with him after adjudication, and whether those assets do not vest in the receiver in their entirety. These are very difficult questions on which even an able and learned

[R. B. Mukand Lal Puri.]

member in charge of the Bill like the Honourable Premier would be glad to have the considered opinion of the Advocate-General. But these points were thrust upon them and they have made a mess of the whole thing; therefore, I see that by reason of the very first amendment which has been made by the select committee, it is necessary that the Bill should be republished and opinions elicited thereon.

Again, take section 2 of the Relief of Indebtedness Amendment Bill. It deals with the Usurious Loans Act. What is the amendment proposed in the Bill? Certain rates of interest had been specified in the Punjab Relief of Indebtedness Act beyond which interest was to be considered usurious. What the new Bill proposes to do is to reduce those rates of interest. If the amendment had been to further reduce those rates of interest or to increase those rates of interest, it will certainly not be an amendment which would change the nature of the original Act. But at that time when the Bill with respect to rates of interest was originally proposed it was said, "why are these banks enjoying this privilege" and at that time a very radical amendment was made. It was said that that was the Government's point of view, although on the face of it, it looks absurd that well-established institutions like the Imperial Bank and other banks and co-operative societies, whose facilities for credit are very great, should be allowed to lend at rates of interest higher than the ordinary individuals and yet Government recognises the existence of certain circumstances under which these exemptions should be made. Nobody thought at that time that the Government would make any amendment of this kind, that these institutions are to be exempted or not to be exempted. What the Government has done is this. They have exempted co-operative societies and they have exempted all banks which came into existence before the 1st of April, 1937. I fail to see any logic or sense in this proposal. It can be argued and it may be asserted that it has come to the notice of the Government that certain private creditors are transferring their debts to certain banks and, therefore, this provision is necessary to safeguard such acts. But that is not the case because in a subsequent clause that object has been secured, clause 7. You will be pleased to observe that it has been definitely laid down that such debts if transferred from private individuals to banks, would not be safe from the provisions contained in the Relief of Indebtedness Act. Therefore, there is absolutely no reason why this Government should start a kind of crusade, if I may respectfully say so, against the joint stock banking which has gradually come into existence and whose need even the Honourable Minister of Development would not deny. I remember having listened to the Honourable Premier repeatedly asserting that he wants dishonest creditors to disappear. He is looking forward to a time when private lending would cease and lending would be done by joint stock banks. But if you lay down a clause like that, that the banking institutions which have come into existence after the 1st of April, 1937, or which might come into existence hereafter, would be placed in a disadvantageous position with respect to existing banks or would be bound down by some restrictions similar to those with which you wish to bind dishonest money-lenders, then you are laying an axe on the growth of joint stock companies. We, who are not very anxious to have money dealings with ordinary agriculturists, we wish that we be left alone. Why should this Government

think of hampering the joint stock endeavour which, I might say with some pride, is the pride of the Punjab and which is intended to help industry and trade? What is the reason for introducing that date, 1st April, 1937? Again, I submit that this distinction was not in the original Bill and I wish to emphasise and ask the Honourable Premier—he himself was the Deputy Governor of the biggest institution of this country—whether before enacting a provision like this, he would not like to consult his fellow bankers. Would he like to do so or not? We will listen to him as to what he has got to say in respect of this provision. But neither he nor the Government even aided by this House, is the repository of all wisdom. These are technical subjects. These are subjects on which opinion might very usefully be given by those whose daily avocation is banking, by managers of banks and persons connected with industry and trade. Why deny to yourself the advantage of their opinion which could be had if you only care to ask for it. Possibly after you have received that opinion, you might change your mind or possibly you might stick to this Bill or perhaps you might like to modify this Bill. After all we are not conversant with the intricacies of banking and modern credit institutions and we may not be aware of the difficulties which are apparent to an expert banker. Dealing with the second clause, therefore, you will find it involves a radical change of a discriminatory character introduced in the select committee with respect to which no member could have the least inkling and it is, therefore, a matter on which public opinion should be consulted and the Bill circulated.

Now, Sir, the most important change which has been made has been made in a fashion which I respectfully claim would not be understood by any member of the House not excluding all the members even of the select committee. Kindly see how this reads:—

“ In section 7 of the said Act—

* * * * *

‘ (b) in sub-section 2, in sub-clause (ii)—

(i) after the word ‘ agriculture ’ the word ‘ or ’ shall be added ;

(ii) after the words ‘ agriculture or ’ the following sub-clause shall be inserted, namely :—

‘ (c) whose total assets do not exceed five thousand rupees.’ ”

I can boldly claim that the gentlemen to whom this report of the select committee is circulated will never be able to understand what is intended by this. Again, here is an amendment to the Act with respect to which no amendment was contemplated when the Bill was introduced. Please see the definition of the word ‘ debtor ’. This is the most important word in the Relief of Indebtedness Act. The Government originally did not intend to amend this definition. It appears that some friends to whom the Government circulated the Bill privately sent their opinions which the Government kept to itself. Those opinions were not made available either to the select committee or to this House. But even in those opinions, there was not the least suggestion that this word ‘ debtor ’ should be tinkered with. However, it has been amended by the select committee and I claim again that the amendment, as reported by the select committee, is not capable of

[R. B. Mukand Lal Puri.]

being understood. One has to go to the original Act where the word is defined. The section says—

“Debtor” means a person who owes a debt and—

- (i) who both earns his livelihood mainly by agriculture and is either a landowner or tenant of agricultural land, or a servant of a landowner, or of a tenant of agricultural land, or
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture :

Provided that a member of a tribe, notified as agricultural under the Punjab Alienation of Land Act, 1900, shall be presumed to be a debtor as defined in this section until it is proved that his income from other sources is greater than his income from agriculture.

You will notice that this debt legislation was definitely confined to persons who earned their livelihood mainly by agriculture or to village menials, proviso being added that every member of a notified agricultural tribe shall be presumed to be a debtor unless it is proved to the contrary. Now, supposing that I, representing the non-agriculturists, am sent on to the select committee. I will proceed in the select committee on the assumption that this legislation is meant for the benefit of agriculturists. Now, what has happened is that without any indication or warning a clause has been added which ropes in practically all the non-agriculturist debtors in this province. No previous inkling was given to members on this side or even to the unfortunate members of the select committee who were asked to assist in drafting this report. The scope of this measure is proposed to be extended from the agriculturist debtors, to whom it was originally intended, to non-agriculturist population also. If such a revolutionary change was intended I must have been given previous warning so that I could have consulted my constituents. When the Government has consulted those people for whose benefit, or I should say for whose ruin, this legislation is being enacted, is it fair that such a surprise should be sprung on us? That we were all taken by surprise is not shown by the definition of ‘debtor’ in the Punjab Act. The word ‘debtor’ has been confined to agriculturists in all similar legislations in all the other parts of India. Kindly see the definition of ‘debtor’ in all the debt legislations that have been passed in the various provinces in this country. You will find that the first Act was passed in the Central Provinces called the Debt Conciliation Act, 1933, which was subsequently amended by various Acts in 1934, 1935, 1936 and 1937. Therefore the present Act from which I propose to quote is the latest Act. There the word ‘debtor’ is defined as follows :—

“‘Debtor’ means a person who earns his livelihood mainly by agriculture and is an occupancy tenant or absolute occupancy tenant or raiyat or raiyat-malik or a malik-makbuza or a proprietor, whose debts exceed Rs. 150 or such lower amount, not being less than fifty rupees as the Local Government may, by notification, prescribe for a particular area.”

You would be pleased to notice it is definitely confined to the agricultural debts. Let us now take the Bengal Agricultural Debtors Act and see how a debtor is defined here. In this Act ‘debtor’ means ‘a person whose primary means of livelihood is agriculture, and who is a ryot or under-ryot or who cultivates land himself or by members of his family or by hired labourers or by adhi-dars, etc., etc.’ Again, it is definitely restricted to agriculturists and their dependents. Take the Madras Debt Conciliation Act 11 of 1936.

wherein 'debtor' means 'a person who earns his livelihood mainly by agriculture or who is an occupancy tenant or landlord whether he cultivates the land personally or otherwise and whose debts exceed one hundred rupees. Again, it is definitely confined to persons who earn their livelihood mainly by agriculture or who are occupancy tenants. Let us assume that the Punjab Government wish to make an innovation of that character and they want to set up debt conciliation boards for the urban population whose assets do not exceed five thousand rupees. Can you say that this Bill does not require re-circulation if a change of that character is needed and if half of the population of the Punjab which was not affected by this legislation is attempted to be roped in? It has been pointed out quite rightly that the entire agriculturist population and non-agriculturist population has not been roped in and only that portion of the non-agriculturist population of the province has been roped in whose assets do not exceed five thousand rupees. It is a very difficult task for any one to estimate accurately his own assets. I might think my house to be worth thirty thousand rupees while my creditor might legitimately think it to be worth three thousand rupees and the market value may really be only six or seven thousand rupees. Valuation is, at the best of times, a difficult matter on which even experts might differ. What is here intended is that these three respectable persons from the rural areas would be able to estimate, without calling in expert evidence, the value of property in towns which they may never have visited. This is exactly what is now being contemplated. The debtor, creditor or even the assessor might honestly differ with regard to the valuation of property to the tune of three or four times. It happens almost every day. I consider my house to be worth fifty thousand rupees and my neighbour, who may have an eye over it, may not consider it to be worth twenty thousand rupees and both he and I might hold an honest opinion. The Tax Inspector might say that it is worth sixty thousand rupees. Therefore, this is a very elastic and difficult term to specify five thousand rupees. It is not mere ownership of five bighas of land or a hundred acres of land which is capable of precise measurements. It is valuation of assets which might not consist of land and houses but it might consist of occupancy rights and movables and many other things. Who is to determine whether the assets of an individual, a non-agriculturist, exceed five thousand rupees or not? On that, you will be pleased to observe, the opinion of the conciliation board is final. It is not subject to appeal or revision and it is not the unanimous opinion of all those three persons, but only the opinion of the majority. Majority, according to the professed constitution of these boards, would always be of persons representing the debtors. Therefore, it will be seen that it is not only a small portion of the non-agriculturist population which is intended to be brought within the jurisdiction of debt conciliation boards which mostly consist of people who are essentially the friends of the present administration. It is not only an insignificant portion but a very large portion. Leaving the property classes alone, most of the Punjabis belong to classes who do not own any property. People who own property are in a small minority as compared with those who neither own lands nor houses. If you go to towns where there are small town committees or where there are notified area committees or where there are municipal committees, leaving aside about a hundred or two hundred persons who own houses, how many persons are there whose assets exceed five thousand rupees?

[R. B. Mukand Lal Puri.]

Therefore, I am not wrong in asserting that if you keep the limit of five thousand rupees, you would be roping in all the urban credit in this province. The entire work of civil courts in urban areas would stop as has been the case with respect to rural areas. What happens when an application is put before a debt conciliation board? One of the sections in that Act lays down that as soon as a debtor has put in an application before a debt conciliation board, all proceedings, whether at the stage of a suit or appeal or ultimately at the stage of execution, shall be *ipso facto* stayed. This would apply to proceedings in insolvency courts as well. It does not rest with these respectable members of the debt conciliation boards to order the stay of proceedings, they have no discretion in the matter. There might be debt conciliation boards who might become aware of the frivolous character of the application which is put in. The application might be put in by a debtor against whom, after a protracted case, a decree has been passed by the District Judge or by the High Court. He has not paid and there have been declaratory suits which have failed. Then his house is attached. He does not bother himself and ultimately his house is put to auction. What has he got to do to put out of order the whole machinery of the civil courts which has been followed by both the parties for so many years? All that is needed is that he should go and put an application to the debt conciliation board, within whose jurisdiction he resides, for conciliation of his debt. The effect of mere putting in the application would be that all execution applications, at whatever stage they are, would be *ipso facto* stayed. So, this will be the effect of this legislation.

The effect of this is that the proceedings will be stayed and those proceedings will continue to be stayed until that application is disposed of. Is that a kind of thing which you wish to contemplate with respect to the debts of persons who live in urban areas? Those who have been connected with the history of this type of legislation know that the legislation was initiated on account of the great agricultural depression. There was a fall in the value of agricultural produce and there was accumulation of agricultural debt for reasons for which neither the debtor nor the creditor was responsible and there was the natural desire on the part of the provincial governments and the Indian Government to regulate these debts and all kinds of attempts were made to moderate the debts. But these factors did not apply to urban people, and therefore in no such legislature in any part of India, Acts were passed except with respect to agriculturists. Sir, I wish to point out that this amendment, the effect of which has not been noticed by even the honourable members of the House and which was not intended to be included in the original draft Bill, has been worded in this fashion without any introductory note. I claim that a majority of members of the House could not have known the effect of this provision unless they had taken care to read all the papers, with the help of original Acts from one end to the other along with my dissenting note. At any rate I had occasion to pass this measure on to a lawyer friend of mine but he sent it back to me saying that there was nothing in it and that he did not know that such a provision had been enacted. If this Government really desires to make a change of such a radical character, of a nature entirely different from what it was originally intended to be by the legislatures in other provinces, from what it

was intended to be by the Punjab provincial legislature in the last enactment and even from what it was intended to be when this Bill was introduced, then I submit, Sir, that this should have been circulated. What right have you to kick me or any one behind his back? Now, proceeding to the next section, you will be pleased to observe—I do not wish to deal with minor points—that the original clause 4, was that “for the present subsection (2) of section 13, the following shall be substituted.” There was absolutely nothing in the draft Bill which would give any person any inkling that subsection (1) was also going to be amended. But here clause 5 reads as follows :—

“In section 13 of the said Act—

(a) in subsection (1), in the proviso—

(i) after the word ‘direction’ the words, brackets and figures ‘or to produce the documents required under subsection (1) of section 14 shall be inserted”

Now, Sir, this section deals with the discharge of debts. What was intended to be amended was that there should be a provision in the Act that if a creditor fails to appear on any particular hearing then the conciliation board might order that the debt is discharged in its entirety. Here the framers of the original Bill not only put in certain proviso with respect to that and made certain amendment but they have added a new clause that the total debt might be discharged not only owing to the absence on one of the several hearings of the board but may equally be discharged if the creditor fails to produce a document which he has been asked to do. This provision is certainly very harsh and it is a provision which should not have been passed. Certainly, the original clause gave no indication that subsection (1) would also be amended.

Sir, one of the most revolutionary changes which has been introduced by this legislation is with respect to the debt conciliation boards. You will remember that when these boards were originally proposed to be constituted in this province, then Sir Chhotu Ram himself expressed great diffidence as to whether they would be successful or not. Several opinions were received from the leading persons and officials who are well acquainted with money-lending business and who have experience of agricultural and rural conditions and they said that these boards might well turn out to be the engines of oppression. I do not wish to indulge at this stage in any criticism one way or the other as to what these boards have done. You cannot be unaware of the outcry which arises from all parts of the country where these boards have so far been set up. In fact from the questions which are put in the Assembly and from various reports which have been submitted by non-official bodies with respect to these boards, you must be fully convinced that among certain class of people these boards are rightly called as boards of spoliation. They do not follow any law or procedure and they are not subject to any—

Mr. Deputy Speaker : The honourable member is going beyond the scope of the Bill.

Rai Bahadur Mukand Lal Puri : What I am submitting before you, Sir, is that the original conception of these conciliation boards was that they should be given power of conciliation to bring about amicable settlement between debtors and creditors. They were intended to be three good and respectable

[R. B. Mukand Lal Puri.]

gentlemen of the countryside who know both the debtors and creditors. An opportunity was given to both the debtors and creditors to appear before them and they were to use their good offices to bring them together, to moderate the debts, to induce the dishonest debtor who is concealing his property, to disgorge his property and to induce the creditor to moderate his claims and to bring them both round to a reasonable conciliation.

That was the object, and what was laid down was as a punishment for the creditor that if 40 per cent of the creditors should agree to accept an adjustment that would be treated as a fair offer and the boards were authorised to settle the debts of the debtors in spite of the objection of the 60 per cent of the creditors. You will be pleased to observe that no power of adjudication was given to these boards. Now by an amendment of section 15 of the said Act these boards of conciliation are being transformed from boards of conciliation to boards of adjudication. What happens? Here is a sub-judge, 3rd class. He has got jurisdiction only to adjudicate upon claims whose pecuniary value is Rs. 500 or Rs. 1,000. There is a sub-judge, 2nd class. He is considered fit only to deal with disputes whose pecuniary jurisdiction extends up to Rs. 5,000 but does not exceed Rs. 5,000. There are only selected sub-judges, who can deal with disputes whose pecuniary value exceeds Rs. 5,000. Now the pecuniary jurisdiction of these boards is Rs. 10,000. Was it intended that these debt conciliation boards should adjudicate upon this fact whether a debt is due or not? Sometimes complicated questions arise. Supposing I have a mortgage of Rs. 5,000. The conciliation boards are usually recruited from friends of the Ministry, without any other qualification. If these gentlemen are given the power to decide whether a debt of Rs. 5,000 or more due on a registered mortgage deed is due or is not due, then you are giving to these gentlemen powers which are not even possessed by our sub-judges. After all the judgment of a sub-judge is open to appeal to the District Judge and then to the High Court. In this case there is absolutely no appeal. As long as the matter does not require adjudication and therefore any knowledge of law you could depend upon these country gentlemen to use their influence to bring about conciliation, but when you expect these gentlemen to adjudicate on the existence or otherwise of the debt, then you are conferring upon these boards novel powers which are not given to any boards either in the Central Provinces or in the United Provinces, and which were not given in the original Act which it is now intended to amend. No doubt several times dishonest debtors put forward fictitious creditors in order to diminish the quota of the genuine debtors and, therefore, it was alleged that this power of adjudication is being given to the debt conciliation boards to decide whether a debt is due or is not due. That is not the case in the present Bill which has emerged out of the select committee. The present Bill has omitted a proviso which was the test of the fair offer that 40 per cent of the creditors must agree to the settlement before the board gave effect to it. That proviso has been knocked out and even if 5 per cent of the creditors do not agree or even if no creditor accepts the settlement, in fact if cent per cent of the creditors do not consider it a fair settlement because the offer is hopeless these conciliation boards have been given the power to effect settlement. Therefore there would be no cases in future where a debtor need put forward

fictitious creditors in order to swell the number of creditors so as to secure 40 per cent of creditors to accept his offer. Therefore there is absolutely no necessity now of giving to these conciliation boards powers of adjudication to knock out any dishonest claim which may have been urged by a dishonest and collusive creditor at the instance of debtors. Therefore what now will be adjudicated upon will not be any dishonest claim because it is not necessary to put forward fictitious creditors because the 40 per cent limit is gone. What has to be adjudicated upon now will be the claim of the genuine creditor and I respectfully submit that when you wish to give the power of adjudication as to the existence of the claim or as to the amount of debt due, to these boards, these boards will have to be far differently constituted than they were constituted with respect to conciliation alone. Again, like the next clause, in section 17 of the Punjab Relief of Indebtedness Act, which was not intended to be amended, an amendment has been made therein.

Then, Sir, kindly see section 12, which is again entirely new. It reads—

Section 25 of the said Act shall be renumbered as subsection (1) of section 25, and to the section so renumbered, the following subsection shall be added, namely:—

- (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 suparddar in connection with such proceeding, the judgment-debtor shall be entitled to the return of such animal but shall not be competent to sell or in any way part with the ownership of any animal so attached during the suspension of such proceedings;

This was the provision in the original Bill. You would imagine what has the arrest of a judgment-debtor in execution of the decree to do with a milch cattle which has been handed over to a suparddar and without any warning, without any relevancy, without any connection with the sub-clause the following clause is added—

And if the judgment-debtor has been committed to a civil prison in connection with such proceedings he shall be released forthwith.

Mr. Deputy Speaker : The honourable member is going beyond the scope of his motion.

Rai Bahadur Mukand Lal Puri : What I am submitting before you is this. This provision with respect to persons who were arrested in execution of the decree was not in the original Bill at all, and there was no relevant section to which it could be tacked. It has been tacked to she-buffaloes. I do not see the relevancy of this inclusion. And kindly note. This was not in the original Bill and I do not know how it found its place there, because to the best of my recollection I do not know at what stage the select committee put it in. It certainly did not put it in—I speak subject to correction—on the first day. In the original Punjab Relief of Indebtedness Act there is a provision with respect to arrest. That provision with respect to arrest curtails the right of the creditor.

Premier : May I interrupt? We have been at this motion for nearly four hours. If my honourable friend wants to continue, I would like to suggest that we sit on and finish the motion before we disperse to-day.

Dr. Sir Gokul Chand Narang : How can you do that? Is the Assembly a rubber that you can stretch it as you like?

Premier : I am prepared to sit up to 10 o'clock.

Dr. Sir Gokul Chand Narang : You may sit till doomsday.

Mr. Deputy Speaker : The honourable member may go on.

Dr. Sir Gokul Chand Narang : May I put a question to the honourable member? If I did not follow him wrongly did he mean to say that something was added to the report after it had passed out of the select committee?

Rai Bahadur Mukand Lal Puri : On the first day we went through the whole Bill with necessary amendments. It was adjourned to another day for formal amendments. Evidently they were perfectly entitled to put something on the second day when I was not present.

Premier : I am afraid my honourable friend must have been absent from the select committee on that day.

Rai Bahadur Mukand Lal Puri : We went through all the amendments on the first day when we sat till late and through the hospitality of the Honourable the Premier we were provided with tea as we had to sit very late to finish it from one end to the other; and I understood only formal and verbal amendments were left for the next meeting. It appears that on the next day some other amendments were made but I was not there.

I was submitting that a person, in view of the amendment of the old Relief of Indebtedness Act can only be arrested in execution of a decree provided he is contumacious. There is no arrest of a judgment-debtor for mere non-payment. His position to pay has been well defined and only when he is contumacious he can be arrested. Supposing a person has been put in jail for defying an order: he has got Rs. 500 but would not part with it; naturally he would be asked to go to jail. The present clause gives him release also. This clause is entirely new. I am saying it for the edification of my honourable friend over there so that he may know how very indulgent the government is even to such persons! Further, take the next topic dealt with in this Bill. What has been laid down now in the rule, called the rule of Damdupat, is not the rule which is so well known. Whatever else it might be, this is not that rule. In the original Bill as framed one could say that it is the rule of Damdupat. Now what is substituted in section 80 of the said Act is entirely a new subsection. For subsection (2), of the said Act, the following subsection is to be substituted—

- (2) No court shall pass a decree or give effect to an award in respect of a debt as defined in section 7 for a larger sum than twice the amount of the sum found by the court to have been actually advanced, less any amount already received by a creditor in excess of the amount due to him under clause (c) of subsection (2) of section 3 of the Usurious Loans Act, 1918.

You will kindly see that by this Act the interest is being reduced to $7\frac{1}{2}$ per cent. Supposing he has been charging interest at the rate of 12 per cent allowed by the old Act a decree up to the total amount might be passed minus 5 per cent. That is not the rule of Damdupat whatever it might be.

I now come to one of the most important amendments, an amendment on which the entire province has been taken unawares and you will be pleased

to observe that the amendment I am dealing with is not in the original Bill and has no connection with the agriculturists. The amendment seems to have been thought of just on that day, because as far as I can remember it was not in the draft put forward by the Government. It is an amendment to section 60 of the Code of Civil Procedure. Section 60, as you will remember lays down certain kind of property belonging to agriculturists and artisans and poor persons (I use the word 'poor' deliberately) shall be exempt from attachment, tools of artisans would be exempt, house of the tiller of the soil would be exempt from attachment—

Premier : My honourable friend is discussing the details of the Bill.

Mr. Deputy Speaker : I would request the honourable member to be brief.

Rai Bahadur Mukand Lal Puri : I was pointing out that an amendment to section 60 of the Civil Procedure Code is being made which I cannot accept. Section 60 exempts from attachment things like tools of artisans, ploughs used for cultivation and certain kinds of other things.

Mr. Deputy Speaker : These are matters of detail and not of principle.

Rai Bahadur Mukand Lal Puri : This is a very important matter and you will kindly permit me to develop my argument. The amendment in the original bill is intended to secure that where the house of an agriculturist was exempt, not only his house in the village should be exempt but all the houses which he may possess anywhere in any village or elsewhere in towns provided "they were not let out and were not proved by the decree-holder to have been let out on rent or lent to persons other than his father, mother, wife, son, daughter, daughter-in-law, brother, sister or other dependents or left vacant for a period of a year or more." The intention of the Government when they introduced this legislation was to exempt from attachment all the houses of the members of notified agricultural tribes which were situated in towns. This is the amendment which no doubt would help few big landlords against whom decrees have been passed which decrees could only be realised from their urban property but it would mean great hardship to the creditors who had lent money on this security, as this is proposed to be given retrospective effect. No doubt this has been enacted with a view to help the rich members of the agricultural tribes only, their own kith and kin. There was absolutely no inkling in the original Bill that the rich and propertied sections amongst the non-agriculturists were also going to be excluded. This is an amendment which has been introduced for the first time and is provided as an amendment to section 60 of the Civil Procedure Code, which exempts certain properties from attachment and which would under the Bill, also exempt—

"One main residential house and other buildings attached to it (with the material and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment)."

Now what is the effect of this? The palatial house of my honourable friend, Sir Gokal Chand Narang, worth several lakh, has been rendered exempt from attachment because it is his principal residential house.

[R. B. Mukand Lal Puri.]

The palatial house in which Diwan Bahadur Raja Narendra Nath, the leader of our party, lives, is also exempt from attachment and so is my humble cottage. Now these gentlemen think that they are conferring a privilege on us. Far from it. They are only reducing us to the same status to which they have reduced themselves. Dr. Sir Gokul Chand Narang has only to 'phone to a banker to send him any amount, if he stands in need of a loan. The banker will immediately send the cash and a promote written actually through a chaprasi, because he knows that Dr. Sir Gokul Chand Narang is living in a palatial house and even if he wants Rs. 20,000 or 30,000 he will get it. He knows he is a businessman making lakhs. Credit, you think, is dangerous for you. It is not dangerous for us. I will feel ashamed if I have to go begging from bank to bank asking, "Will you give me a loan of Rs. 5,000?" If this legislation is passed, they will ask "Will you pledge your life policy or will you go with me to the sub-registrar's office and execute a registered deed." No honourable member would like to do this. Ask Sir Sunder Singh Majithia whether he will do it. He is a businessman and he has got credit. Is he prepared to mortgage his land? (*The Honourable Dr. Sir Sunder Singh Majithia*: You consider me now a businessman?) You are a businessman and you have the advantage of buttering your toast on both sides. You have no disadvantages. Leave aside these big cases. Just go through Anarkali or Mozang or the Dabbi Bazar and you see the people sitting there with their wares. They may have got things worth Rs. 10,000 or 20,000 or more. Does anybody know or is it not known to the Government that most of the capital which glitters in their shops or at least a major portion of it represents their credit? Would anybody give them credit if they knew that that tangible and visible property, the principal house, is exempt from attachment? It does not matter to the agriculturists; they can go even to insolvency courts. Their land is exempt. But what would the man do if his business fails, if the credit is not forthcoming? Therefore I say let a census be made. Let Sir Sikander Hyat-Khan go to Mozang bazaar and find out from anybody who has got a stock worth Rs. 1,000, be he a butcher or a blacksmith or a carpenter, whether his wherewithal is not collected on borrowed money. You want to tinker with these problems of credit in such a non-challant way. I respectfully ask where is the necessity to exempt the house of, say, Sir Gokul Chand Narang or anybody else? Have they asked for it and is the effect of the all-India legislation in regard to the Civil Procedure Code with a view to giving relief to the poor, the poorest of the poor, going to be nullified in this way? Are the members of the agricultural classes, after having saved everything, not ashamed of saying that not only all their houses in the villages should be exempt from attachment, but also their houses in big cities and at the headquarters of the province, should be exempt? I put it to my honourable friend and to Chaudhri Sir Chhotu Ram in the select committee whether the effect of the amendment which they had suggested with respect to section 60 of the Civil Procedure Code, was not merely to exempt all the houses of the agriculturists whether situated in villages or towns from attachment and whether the proposed change was not intended to nullify the effect of a full bench decision of the Lahore High Court which has defined the agriculturist in agreement with other High Courts,

"as the tiller of the soil or a small holder." There could be only one answer to it, that the effect of the amendment proposed by the Government to section 60 of the Civil Procedure Code, was to exempt from attachment all the houses of rich members of statutory agricultural tribes in addition to the one which was already exempted under the Civil Procedure Code. I ask you, now again, how are you protecting the poor by this legislation? Is not this legislation in the interests of the capitalist landlords? In order to meet this objection, the idea occurred to them in the select committee, "Look here, we are prepared to exempt one of your houses from attachment. We are making one house of every non-agriculturist also exempt," as if this was a boon. It is no doubt a boon to a dishonest debtor who having borrowed money and with that money having purchased urban property, wants to save that property without paying anything to the creditor. But it is certainly not a boon to an honest fellow who wishes to maintain his credit and who wishes to earn his living and augment his income by borrowed capital. Even the most simple-minded among them will concede that this is an innovation of a most radical character of which no inkling was given in the original Bill. Is it not then necessary that this Bill should be circulated? But I do not know how any person could assert, except with his tongue in his cheeks, that the Bill has not been so radically altered as to need even a republication in the gazette. I ask the Premier whether, with that enlargement of the definition of debtor, with that exemption in favour of non-agriculturist which changes the entire scope of the Bill, it does not need circulation. As I was submitting, I am one of those—and I claim that the members of the agricultural tribes would give me that credit—I am for giving the utmost relief to the agriculturists wherever it is necessary. I would go so far as to say, reduce the debts by 50 per cent, let the debts be wiped out altogether if necessary. But I must strongly protest against any attempt to pass a bad law. It is the bad laws I object to, leaving aside a few expropriatory provisions.

At this stage the Assembly adjourned till 12 noon on Monday, 26th February, 1940.

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PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Monday, 26th February, 1940.

The Assembly met in the Assembly Chamber at 12 Noon of the clock. But as there was no quorum the Assembly adjourned for five minutes and re-assembled at 12-5 p. m. of the clock. Mr. Speaker in the Chair.

STARRED QUESTIONS AND ANSWERS.

CORRESPONDENCE BETWEEN PANDIT SHRI RAM SHARMA, M.L.A.,
AND MAULVI FATEH DIN, FODDER ADVISER.

***5341 Pandit Shri Ram Sharma :** Will the Honourable Minister of Revenue be pleased to place on the table—

- (a) the copies of correspondence that passed between Pandit Shri Ram Sharma, M.L.A., and Maulvi Fateh Din, Fodder Adviser to the Government, Punjab, from 5th June, 1939, to 5th July, 1939, on the subject of corruption in the Famine Relief Works ;
- (b) whether it is also a fact that the copies of the above-mentioned correspondence were sent to the Honourable Minister of Revenue and Financial Commissioner (Revenue) ;
- (c) whether it is also a fact that the Fodder Adviser in the correspondence referred to in (a) above, cast aspersions on the Rohtak district and used abusive language against Congressmen ; if so, why and the action the Government intends to take in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The correspondence was private correspondence between the honourable member and the Fodder Adviser. I am not therefore in a position to lay it on the table.

Pandit Shri Ram Sharma : May I know whether a complaint which concerns corruption and dishonesty in a matter of such public importance as the distribution of *taccavi* is a private matter ?

Parliamentary Secretary : The question is not of corruption or dishonest practices. As the matter relates to private correspondence between my honourable friend and the Fodder Adviser, the Government cannot lay the same on the table.

Pandit Shri Ram Sharma : Is it a fact that a representation was made to the Fodder Adviser on 5th June, 1939, on the subject of corruption in the Famine Relief Works, and that copies of the representation were also sent to the Honourable Minister of Revenue and the Financial Commissioner (Revenue) ?

Parliamentary Secretary : I have already stated that it is a fact that correspondence has passed between the honourable member and the Fodder Adviser. But it does not mean that the Government will be justified in laying that correspondence on the table as required in the question.

Pandit Shri Ram Sharma : Very well, if the Parliamentary Secretary does not want to lay it on the table I will not press him to do so, but may I know if it is a fact that a representation was made to the Fodder Adviser on June 5, 1939 ?

Parliamentary Secretary : Yes, that is correct.

Pandit Shri Ram Sharma : Has the Fodder Adviser taken any action in the matter in view of the fact that at the end of that representation the Government were challenged to "come forward to see the horrible magnitude of the well-planned and systematised loot in the famine relief works of Rohtak district. If nothing is done the responsibility lies on the head of the Punjab Government" ?

Parliamentary Secretary : Sir, the honourable member is in the habit of throwing challenges every now and then, but I fail to understand how it arises out of the question.

Pandit Shri Ram Sharma : Is it not a fact that the Fodder Adviser wrote on the 7th June, "Evidently Rohtak is full of public-spirited gentlemen of perverse mentality whose sole pastime is to malign anything and everything good" ? (*Cries of "shame."*)

Parliamentary Secretary : I do not see any reason to believe or to disbelieve the statement of the honourable member.

Pandit Shri Ram Sharma : Does the Parliamentary Secretary deny that such a letter was addressed to me by Maulvi Fateh Din, C.I.E., Fodder Adviser to the Government ? It is with me and if you will allow me to read it out I will do so.

Parliamentary Secretary : I have not denied that a reply was given to my honourable friend by the Fodder Adviser.

Pandit Shri Ram Sharma : Is he aware of the fact that when any complaint is made against the dishonest practices of Government officials and contractors we are called muddle-headed by the officers to whom those representations are addressed, as was done by the Fodder Adviser in this case ?

Parliamentary Secretary : This is an opinion which was expressed by the Fodder Adviser in his private capacity and the Government have nothing to do with it.

Pandit Shri Ram Sharma : The Fodder Adviser has made a sweeping remark that all the public men are muddle-headed. May I know if Chaudhri Sir Chhotu Ram who is also a public man of Rohtak is a muddle-headed person ?

Parliamentary Secretary : In the question put by the honourable member it was required that the correspondence should be laid on the table, I have stated that this cannot be done. Therefore I have nothing to add to what has already been stated by me.

Pandit Shri Ram Sharma : May I draw the attention of the Parliamentary Secretary to part (c) of my question in which it has been asked, "whether it is a fact that the Fodder Advisor has cast aspersions in his correspondence and used abusive language against Congressmen?"

Parliamentary Secretary : No aspersions have been cast upon Congressmen.

Pandit Shri Ram Sharma : Is he not aware of the reply given by the Fodder Adviser to my representation?

Parliamentary Secretary : If an official expresses his personal opinion about an honourable member of the Assembly in a letter, it does not mean that he is expressing his opinion about the Congress or that his opinion is shared by the Government.

Pandit Shri Ram Sharma : May I know if it is his opinion that a representation is best replied by hurling abuses?

Parliamentary Secretary : It is but natural that one should use abusive language in return for abusive language.

Pandit Shri Ram Sharma : Is it open to the Government officials, by virtue of their office, to hurl filthy abuses at those public-spirited persons who approach them with a view to make complaints to the effect that loot and corruption are prevailing under them?

Mr. Speaker : Disallowed.

Lala Duni Chand : Why is it that when such serious charges or allegations were made by a responsible person like Pandit Shri Ram Sharma, no action was taken thereon either to justify the action of the Fodder Adviser or to justify the attitude of the Government?

Parliamentary Secretary : As I have already stated the Government enquired into the allegations and after enquiry it was decided that no action was required.

Khan Bahadur Nawab Muzaffar Khan : Is the Government aware that Khan Bahadur Maulvi Fateh Din is one of the most truthful, honest and conscientious officers in the Punjab?

Parliamentary Secretary : Certainly.

Pandit Shri Ram Sharma : May I ask the Parliamentary Secretary, with particular reference to the Fodder Adviser whose honesty and truthfulness he has acknowledged just now, as to whether it is a fact that under the latter's administrative control a case of embezzlement worth Rs. 1,25,000 was unearthed in Rohtak and a similar complaint of corruption was made with regard to his activities in Hissar and that an I.C.S. man was appointed by the Government to institute an enquiry into both these cases, but when the latter submitted a report the Government slept over it for months together?

Parliamentary Secretary : So far as the complaint of corruption is concerned it is not confined to the districts of Hissar and Rohtak alone. Wherever any such case is reported the Government takes prompt action against those who are found to be responsible for that. I have already stated that it is the declared policy of the present Government to weed out corruption from the province.

Pandit Shri Ram Sharma : Is it a fact that the case of a contractor who supplied *bhusa* at Rohtak was enquired into ?

Parliamentary Secretary : I require notice for that.

Pandit Shri Ram Sharma : May I know as to whether the same contractor was again given contract for the supply of *bhusa* ?

Parliamentary Secretary : How does this question arise out of the original question ?

Sardar Sohan Singh Josh : May I know as to whether there was any report over which the Government slept for so many months ?

Parliamentary Secretary : There was no such report over which the Government slept. Whenever any report is received it is sent to the officers concerned for further examination and consideration.

Pandit Muni Lal Kalia : What is the answer to part (b) of this question ?

Parliamentary Secretary : The answer to parts (a), (b) and (c) is one combined answer, that the correspondence was private.

Pandit Muni Lal Kalia : When the copies were sent to the highly placed officers, what action was taken ?

Parliamentary Secretary : These highly placed officers after making enquiries found these allegations to be baseless.

Pandit Shri Ram Sharma : Will the Parliamentary Secretary be pleased to state whether it is a fact that on the 2nd July, 1939, a fodder conference was held at Rohtak wherein thousands of zamindars participated and that they unanimously passed a resolution to the effect that wholesale loot and corruption was rampant in Rohtak ? I may remind him that copies of the said resolution were sent to the Premier, Minister of Development and the Fodder Adviser.

RESERVATION OF LAND FOR GRAZING PURPOSES IN DHUNDI ESTATE.

***5572. Khan Bahadur Sardar Muhammad Hasan Khan Gurchani :** Will the Honourable Minister of Revenue be pleased to state whether this question has ever received the consideration of the Government that a piece of land be reserved for grazing purposes in each village of the Dhundi Estate (district Dera Ghazi Khan) in the same manner as such pieces of land have been reserved in all the colonies in the Punjab, and if not, whether it is intended to consider this question now ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : No. As in the present state of development of the Estate there is ample grazing.

LAND SOLD AND GIVEN ON *MUSTAJRI* IN EXECUTION OF DECREES OF CO-OPERATIVE SOCIETIES' BANKS.

***5622. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

(a) the area of land sold and given on *mustajri* in execution of decrees of Co-operative Societies' Banks against the judgment—

debtors respectively in Ambala division during the years 1935, 1936, 1937, 1938 and 1939 ;

(b) the area of land left for maintenance of judgment-debtors in each case ?

The Honourable Chaudhri Sir Chhotu Ram : (a) A statement is laid on the table.

(b) Such particulars have never been maintained and it would now entail a disproportionate amount of time and labour to collect them.

Statement showing the area of land sold and given on mustajri in execution of decrees of Co-operative Societies, Banks against the judgment-debtors respectively in Ambala division.

Serial No.	District.	LAND SOLD IN ACRES.					LAND GIVEN IN MUSTAJRI IN ACRES.				
		1935.	1936.	1937.	1938.	1939.	1935.	1936.	1937.	1938.	1939.
1	Ambala ..	..	..	..	..	..	24	2	..	18	18
2	Simla ..	..	..	..	..	..	..	..	..	..	..
3	Hissar ..	..	..	..	..	..	..	..	..	..	15
4	Gurgaon ..	..	..	..	..	..	3	5	..	23	12
5	Rohtak ..	..	4	..	..	14	58	11	..	8	95
6	Karnal ..	..	..	..	3	..	3	31	60	114	60
	Total ..	..	4	..	3	14	88	49	60	163	200

Khan Sahib Chaudhri Sahib Dad Khan : In each case the area belonging to judgment-debtor is shown in detail as well as the area given in *mustajri* and left for maintenance. How can the Honourable Minister say that no particulars are maintained ?

Minister : This is a question of argument. I am not aware of the practice to which my honourable friend has made reference.

Khan Sahib Khawaja Ghulam Samad : The statement supplied shows that there is an increase of land given in *mustajri* ; so I want to know whether it means that agriculturists cannot benefit by the agrarian Bills which have been passed by this Assembly.

Minister : A look at the figures given in the statement will show that a little more than 500 acres of land has been given in *mustajri* during the 4 years in six districts. That does not suggest that an excessive area has been given in *mustajri*.

Khan Sahib Khawaja Ghulam Samad : In view of the figures stated on the floor of the House, may I enquire as to whether the relief measures recently enacted by the Government would prove beneficial to the public at large ?

Mr. Speaker : That is a matter of opinion.

Khan Sahib Khawaja Ghulam Samad : May I know as to whether the total area of the land given on *mustajiri* or disposed of by way of sale is increasing year by year simply because the agrarian Acts do not apply to the transactions effected by the banks and co-operative credit societies ?

Minister : So far as execution of decrees is concerned these Acts apply equally to banks and private *sahukars*.

Khan Sahib Khawaja Ghulam Samad : With reference to the answer given to part (b) of the main question that the labour, time and expenditure involved in the collection of the required information would not be commensurate with its result, may I know as to whether the Honourable Minister has, during his term of office, received any complaint from the Ambala division to the effect that no land is left to the judgment-debtor for his and his family's subsistence ?

Minister : I have not received any such complaint during the past two years.

WORKING OF AGRARIAN LAWS.

***5659. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister of Revenue be pleased to state—

(a) whether Government are contemplating to employ supervising officers in each Revenue division of the province for the purpose of seeing that the new agrarian laws recently enforced in Punjab are properly worked by those entrusted with the working of these laws, if so, when ;

(b) whether any rules have also been framed for the guidance of these officers ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No. The existing staff will suffice.

(b) Does not arise.

Khan Sahib Khawaja Ghulam Samad : May I know as to whether that particular resolution relating to the same matter which was moved by a certain honourable member during the last session will be again brought before the House ?

Parliamentary Secretary : It is for the Honourable Speaker to answer that question.

Mr. Speaker : Has not that resolution been discussed yet ? (*An honourable member* : It was withdrawn.)

Parliamentary Secretary : I would like to inform the honourable member that so far as this answer is concerned, it relates to the question which suggests that one officer should be appointed in each division and in that resolution one officer was suggested to be appointed for the whole of the province. Therefore, so far as that question is concerned it is still under the consideration of the Government.

REDUCTION IN SUPPLY OF WATER IN OLD SIDHNAI CANAL.

*5688. **Khan Haibat Khan Dahi :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether the permissible irrigation on the old Sidhnai Canal was 65 per cent ;
- (b) whether it is a fact that after the amalgamation of Sidhnai Canal with the Haveli Project only about 30 per cent irrigation is allowed in Kharif ;
- (c) whether it is also a fact that great discontent prevails among the zamindars on the Sidhnai Canal due to this shortened supply of water ;
- (d) if the answer to (a), (b) and (c) be in the affirmative, the manner in which the Government propose to remove this grievance of the zamindars ?

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

(b) No. There is no limit. They actually grew more crops in kharif, 1939, than they did before the amalgamation.

(c) There was some misapprehension in the beginning ; but the people appear to be satisfied now in view of steady and assured early and late supplies.

(d) Does not arise.

Khan Sahib Chaudhri Sahib Dad Khan : What about the report of the Canals Inquiry Committee ?

Minister for Revenue : The matter is under the consideration of the Government.

Khan Sahib Chaudhri Sahib Dad Khan : How long will it take to consider ?

Minister : I cannot say.

“ DAURA CHAH ” REVENUE IN MULTAN DIVISION.

*5689. **Khan Haibat Khan Dahi :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether there is a general complaint of the “ Daura Chah ” revenue being very high in Multan district ;
- (b) whether it is a fact that the land revenue and water rates on the area in Multan district that has been transferred to the Haveli Project Canals have been increased ;
- (c) whether it is also a fact that great discontentment prevails among the zamindars due to the extra high assessment permanently levied on Daura Chah coupled with the increase in land revenue and water rates, if so, the action intended to be taken to remove this grievance of the zamindars ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) It is a fact that there have been complaints that the present fixed well assessment does not work equitably; but complaints are more usually directed at the distribution than at the pitch of the assessment.

(b) Owing to the introduction of weir-controlled irrigation the water rates have been increased. The land revenue rates, which varied from Rs. 1-6-0 to Rs. 2-3-0 according to the class of crop, have now been fixed at Rs. 2.

(c) The fixed well assessment cannot be altered during Settlement without the consent of the proprietors. Government are prepared to make a revision and steps to that end are being actively pursued.

**SUB-INSPECTORS, CO-OPERATIVE SOCIETIES, WHO WERE MADE INCHARGE
OF THE FAMINE RELIEF WORK AT HISSAR.**

***5721. Lala Duni Chand:** Will the Honourable Minister of Revenue be pleased to state—

(a) whether it is a fact that a number of sub-inspectors of Co-operative Societies were placed in charge of Famine Relief Work in Hissar district on payment of extra allowance; if so, whether any of them proved a success;

(b) in case they proved a failure, the reasons for their failure and the action taken in the matter?

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

(b) They were unnecessarily expensive and some of them unsuitable for the peculiar conditions of the work in Hissar. Such were reverted.

Lala Duni Chand: May I know the number of sub-inspectors selected for famine relief work?

Parliamentary Secretary: I think there were altogether 10 sub-inspectors who were employed in November and December, 1938, and by April, 1939; I think 9 of them were reverted.

Lala Duni Chand: Is it true that either all or nearly all of them were reverted because they were found not only to be inefficient but corrupt also?

Parliamentary Secretary: I have said that they were considered to be unsuitable and expensive and that was the reason why they were reverted.

Lala Duni Chand: I want to know whether this fact is within the knowledge of the Parliamentary Secretary that they were corrupt also, apart from being unsuitable?

Parliamentary Secretary: That is not in my knowledge.

Lala Duni Chand: May I know if he has been able to read the orders with regard to their reversion?

Parliamentary Secretary: Whether I have been able to read the order or not, that is a separate question. What I have already said is that the reason of their reversion was not corruption, but they were found to be unsuitable for that work.

Lala Duni Chand : If he has not seen the order, how is he in possession of the facts and reasons on account of which they were reverted ?

Parliamentary Secretary : On seeing the order I came to the conclusion that they were reverted because they were expensive and were unsuitable for that work.

Lala Duni Chand : I assume that the Parliamentary Secretary has read that order, therefore I want to know from him whether in that order it was not mentioned that they were reverted on account of corruption.

Parliamentary Secretary : I have already said that as far as I have been able to gather from the files, those persons were reverted because they were expensive and inefficient so far as that work was concerned.

Lala Duni Chand : Why does he not say then that he has seen the order and that there was no mention of corruption in that order ?

Parliamentary Secretary : Why is my honourable friend anxious to know whether I have read the order or not ? What I say is that I have read the file and after reading the file I have come to the conclusion that they were reverted because they were expensive and were unsuitable for that particular work.

Lala Duni Chand : May I know whether all those sub-inspectors were selected on the recommendation of one of the Honourable Ministers ?

Parliamentary Secretary : I would like to have notice for that question.

LANDS ATTACHED AND TRANSFERRED TO THE COLLECTOR, DISTRICT
AMBALA.

*5722. **Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of such cases of execution of decrees in which lands belonging to non-agriculturist judgment-debtors have been attached and transferred to the Collector, district Ambala, since the notification issued by the Punjab Government under Section 68 of the Code of Civil Procedure, transferring execution of such decrees to Collector under schedule III, C. P. C., came into force ;
- (b) what further proceedings have been taken by the said Collector regarding execution of the decrees transferred to him and the number of cases in which such decrees have been wholly or partly satisfied ;
- (c) if the reply to (b) be in the negative, the reasons for not taking any further proceedings ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 80.

(b) None.

(c) Rules have to issue under section 70 of the Code of Civil Procedure to implement the notification mentioned. They are in course of preparation.

GRANT OF *MUSTAJRI* TO DECREE-HOLDERS IN AMBALA DISTRICT.

***5723. Lala Duni Chand :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of such applications for the execution of decrees in which *mustajri* has been granted to decree-holders against the statutory agriculturist judgment-debtors in Ambala district since Punjab Government notification under Section 68 of the Civil Procedure Code ;
- (b) the number of such cases among them in which *mustajri* has not been granted to the decree-holders by the Collector ;
- (c) the number of such appeals as were accepted by the Commissioner on the ground that the Collector did not act judicially ;
- (d) the total number of appeals which were accepted by the Commissioner and on which *mustajri* was granted to the decree-holders ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) 82.

(b) 114.

(c) Nil.

(d) 7.

B. C. G. A. OIL EXPELLER MILLS, KHANEWAL.

***5782. Dr. Gopi Chand Bhargava :** Arising out of the answer to my starred question No. 5205 asked on 27th October, 1939, will the Honourable Minister of Development be pleased to state—

- (a) the action taken by him against proprietors of B. C. G. A. Oil Expeller Mills, Khanewal, for their having started works without previous sanction ;
- (b) whether a decision has been arrived at on the other applications for sanction for erecting oil expellers at Khanewal, if any ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The Commissioner, Multan division, has been asked to suggest suitable action for the consideration of Government. His report is still awaited.

(b) Not yet.

DAMAGE TO COTTON CROPS IN NILI BAR AND OTHER COLONIES.

***5834. Khan Haibat Khan Dahi :** Will the Honourable Minister for Revenue be pleased to state—

- (a) whether it is a fact that on account of lack of rainfall and insufficient supply of canal water in Nili Bar, Lower Bari Doab Colonies and Haveli Project canals the cotton crop this year has been very badly affected ;
- (b) whether it is a fact that due to severe attack of insect disease at the time of opening of cotton, the yield is much below average ;

- (c) whether any reports have been made by the departments of revenue and agriculture regarding the damage to the cotton crop referred to in (b);
- (d) whether he is aware that great discontent prevails among the zamindars due to their inability to meet the demands of land revenue and water rate from the proceeds of the crop;
- (e) if the answer to (a) and (b) above be in the affirmative, what steps the Government propose to take in this respect to afford relief to the zamindars?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) and (b) The cotton crop was affected by a widespread attack of *tirk* but there has fortunately been an improvement in December.

(c) Yes.

(d) No.

(e) Where reports are complete and remissions justified, according to rules they have been granted, but in certain areas further enquiry is being made.

TREATMENT OF THE RESIDENTS OF TIBA DHAK SALAH AND ARAZI DHAN SINGH IN SAMUNDRI TAHSIL AS NON-AGRICULTURISTS.

***6041. Tikka Jagjit Singh Bedi:** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether Tiba Dhak Salah and Arazi Dhan Singh, the two villages in Samundri tahsil, district Lyallpur, were attached to Montgomery district before 1913, 1914;
- (b) whether it is also a fact that before 1913 the residents of these villages were entered as statutory agriculturists and after these villages were attached to Lyallpur, the residents of the same villages are considered as non-agriculturists;
- (c) if the answer is in the affirmative, whether Government proposes to take any action?

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

(b) Yes.

(c) The matter is being investigated further.

URDU AND ENGLISH COPYISTS IN DISTRICT COURTS, AMRITSAR.

***6056. Dr. Sant Ram Seth:** Will the Honourable Minister of Revenue be pleased to state—

- (a) the number of Urdu and English copyists at present working in the District Courts of Amritsar;
- (b) whether these posts are pensionable; if not, whether the incumbents of these posts are paid any gratuity or bonus on retirement?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) 28.

[Raja Ghazanfar Ali Khan.]

(b) The posts as such are non-pensionable and no gratuity or bonus is given on retirement : but under the present system they are often a stepping stone to pensionable posts.

DROUGHT IN ATTOCK DISTRICT.

*5061. **Khan Bahadur Nawab Muzaffar Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the normal rainfall in the months of July, August, September and October at the headquarters of the four tahsils in the Attock district ;
- (b) actual rainfall during the months mentioned above at the headquarters of the 4 tahsils of the Attock district during the years 1938 and 1939 ;
- (c) whether the Government is aware that *kharif* crops in 1938 and *rabi* crops in 1938-39 were far below the average in Talagang and Pindigheb tahsils ;
- (d) whether the Government is aware of the fact that crops almost completely failed in *kharif* 1939 in all the four tahsils of Attock district ;
- (e) whether any land revenue was remitted on account of failure of the crops, if not, the reasons therefor ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) and (b) Statements are laid on the table.

(c) The *kharif* crop of 1938 was below average but the *rabi* crop of 1939 was normal except in a part of the western portion of the Pindigheb and Talagang tahsils.

(d) This is not a fact.

(e) None, as the rules did not permit.

The following suspensions of land revenue were however granted :—

<i>Harvest.</i>				<i>Amount suspended.</i>
				Rs.
Kharif 1938	..	..	..	10,171
Rabi 1939	..	..	..	12,592
Kharif 1939	..	..	..	13,329

Normal rainfall at the headquarters of the four tahsils in the Attock district.

Name of tahsil.				July.	August.	September.	October.
Attock	..	..	..	3.26	4.17	1.99	0.27
Fatehjang	..	..	..	4.87	6.54	2.33	0.42
Pindigheb	..	..	..	3.59	4.34	1.53	0.43
Talagang	..	..	..	4.00	4.58	1.97	0.35

Actual rainfall at the headquarters of the four tahsils in the Attock district during the years 1938 and 1939.

Name of tahsil.	1938.				1939.			
	July.	August.	September.	October.	July.	August.	September.	October.
Attock ..	2.34	6.75	..	.80	2.76	5.17	1.74	.54
Fatehjang ..	2.02	7.62	.09	.15	1.66	2.83	0.58	.66
Pindigheb ..	2.19	2.66	.97	.11	5.40	5.02	0.31	..
Tallagang ..	1.80	5.10	.80	..	3.20	6.26	0.35	..

Khan Bahadur Nawab Muzaffar Khan : With regard to part (b) of the question, will the Honourable Minister for Revenue enquire from the honourable member who generally sits on his left, I mean the Honourable Premier, whether his villages in the Attock district are the richest in the district and whether the crops have completely failed in his villages?

Parliamentary Secretary : I quite agree with the honourable member that crops in that part of the district have failed to a large extent.

Premier : From the statement which I have received I find that I do not get anything out of it, so obviously crops have failed.

Khan Bahadur Nawab Muzaffar Khan : Is the Government aware that an impression is being created amongst the zamindars that even with regard to their genuine grievances regarding remission of revenue, the question is not taken up by the Government unless there is agitation.

Parliamentary Secretary : Let me inform my honourable friend that so far as the question of this particular district is concerned, I think the matter is such as requires further looking into and I may assure him that enquiries will be made to ascertain whether the report so far received is true and whether there is any room for granting further suspensions. So far as the question of remission is concerned there are rules in this behalf which have got to be strictly followed. In the matter of suspension the matter would be further looked into.

Minister for Revenue : May I, with your permission say, that in a conference of revenue officers and canal officers the question of remission and damage to crops has been carefully looked into. Certain instructions have been given to the officers to look into the matter further.

Khan Bahadur Nawab Muzaffar Khan : May I know whether the Government is aware that the zamindars of the Attock district have generally no share either in cement factories or oil factories and that they have to pay land revenue out of the produce of the crops only?

Premier : That is true.

Pir Akbar Ali : The suggestion by the honourable member was that remission follows agitation. No answer has been given to that.

Premier : As a matter of fact there is a general impression that the Attock district receives stepmotherly treatment because the Premier happens to be a resident of that district.

Pir Akbar Ali : The question was that when there is agitation then the remission is given. Is it a fact or not ? It has not been answered.

Minister : In the ordinary course the matter will be looked into very carefully on receipt of reports from local officers and if we find that there is a genuine case for remission we generally give remission without any agitation, but on the other hand, in a case where we find that no remission is to be allowed under the rules, but there appears to be some case for further consideration then we refer the matter back to local officers for further and careful enquiry.

Pir Akbar Ali : What are the rules prevalent in the Punjab ? Are they the same in all the districts ?

Parliamentary Secretary : They are the same in all the districts of the Punjab.

Pir Akbar Ali : Is the produce of land uniform in all the districts ?

Minister for Revenue : That depends on the soil.

Pir Akbar Ali : Then, how are uniform rules justified ?

Parliamentary Secretary : The assessment in all the districts of the province is not the same.

Lala Duni Chand : May I know if the plight of the zamindars has been reduced, according to the information supplied by Nawab Muzaffar Khan ?

Parliamentary Secretary : The question does not relate to any plight ; the question relates to the failure of crops in certain areas and request for suspension and remission according to the rules. There is no question of plight involved.

Lala Duni Chand : He stated that during the absence of any other source of income they have to pay less revenue for the produce of their land ; did he say it or not ?

Parliamentary Secretary : So far as remission of land revenue is concerned it is done according to the rules. So far as suspension is concerned Government is further looking into the matter.

FAILURE OF CROPS IN ATTOCK DISTRICT.

*6062. **Khan Bahadur Nawab Muzaffar Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether rains almost completely failed during the present (1939-40) *rabi* sowings and practically no wheat has been sown in *barani* areas of Talagang and Pindigheb tahsils and a part of Fatehjang tahsil ;

- (b) average area sown tahsil-wise for *rabi* crops in the Talagang, Pindigheb and Fatehjang tahsils of Attock district during the years 1936-37 and 1937-38 ;
- (c) area sown for *rabi* crops in 1939-40 ;
- (d) whether local authorities have submitted any report regarding the failure of the present *rabi* sowings in Talagang, Pindigheb and Fatehjang tahsils and what steps Government propose taking in the matter ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The honourable member somewhat exaggerates : but it is a fact that only half the normal area has been sown, as the winter rain was late.

(b) A statement is laid on the table.

(c) Exact information is not available : roughly speaking, about half the area usually sown.

(d) Fortnightly reports are received. The question of relief will be considered in due course according to rules after the results of the girdawari are known.

Khan Bahadur Nawab Muzaffar Khan : When half the area is sown does not the Government think that the state of affairs is pretty bad in that district ?

Parliamentary Secretary : It is a serious matter that only half the area is sown.

Average area sown during the year 1936-37 and 1937-38.

Name of tahsil.	AREA IN ACRES.			
	1936-37.		1937-38.	
	Chahi.	Barani.	Chahi.	Barani.
Talagang	3,497	236,690	3,281	264,443
Pindigheb	4,640	221,243	4,644	228,924
Fatehjang	6,670	96,941	6,810	138,853

RELIEF FOR SCARCITY OF FODDER IN ATTOCK DISTRICT.

***6063. Khan Bahadur Nawab Muzaffar Khan** : Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that there is a scarcity of fodder in the district of Attock and whether any cultivators of the district have emigrated to the canal irrigated districts with their cattle ;

[K. B. Nawab Muzaffar Khan.]

- (b) whether any cultivators have emigrated even from the once rich village of Kot Soondki in the Attock tahsil with their cattle to the neighbouring district of Hazara in the N.-W. F. P. on account of scarcity of fodder ;
- (c) what steps the Government propose to take to relieve the zamindars who are suffering on account of scarcity of fodder ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Yes. This is their normal custom.

- (b) Government information is to the contrary.
- (c) The difficulties of this area continue to attract the attention of Government and its officers. The Deputy Commissioner has distributed a sum of Rs. 7,695 by way of taccavi.

Khan Bahadur Nawab Muzaffar Khan: Will Government be pleased to consider whether on account of scarcity of fodder, lopping of trees shall be permitted as recommended by the Government committee ?

Parliamentary Secretary: I think this suggestion is worth consideration. Government will look into it.

RETIREMENT OF THE CHIEF ENGINEER OF THE IRRIGATION DEPARTMENT.

***6070. Rai Sahib Lala Sohan Lal**: Will the Honourable Minister of Revenue be pleased to state—

- (a) whether any Chief Engineers of the irrigation department are due to retire in March, 1940 ;
- (b) if the reply to the above be in the affirmative, the manner in which these vacancies are intended to be filled and whether it is intended to fill them on considerations of seniority or on communal considerations ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan): (a) Two Chief Engineers are retiring this spring.

- (b) The question of their successors is under the consideration of Government. These are selection posts. I regret that I cannot give replies to questions which have a tinge of communalism in them.

RECLAMATION OF LANDS IN KANGRA DISTRICT BY ANTI-EROSION CIRCLE.

***6080. Rai Bahadur Lala Gopal Das**: Will the Honourable Minister for Revenue be pleased to state—

- (a) when the Anti-Erosion Circle for the Province was set up ;
- (b) the extent of the eroded area so far reclaimed in the Kangra district ;
- (c) whether any demonstration plots have so far been prepared in the Kangra district to show to the zamindars how to preserve their own lands ;

- (d) whether any schemes for constructing bunds have by now been prepared by the Anti-Erosion Circle; if so, the details of such schemes;
- (e) any other practical steps which have so far been taken by the Anti-Erosion Circle to encourage people to preserve their fodder resources;
- (f) the number of officers and assistants so far employed for their Kangra Branch of the circle?

The Honourable Chaudhri Sir Chhotu Ram : (a) 1st April, 1939.

(b) The policy pursued for the present is one which aims at teaching the zamindar, on the one hand, to utilize the valuable resources of the hill side in a more rational way and on the other to restrict the size of migrant flocks, to such as the grazing grounds can support.

(c) Yes, two.

(d) Not in Kangra district. In general, bunds are too expensive, but they will be constructed on a small scale where absolutely essential.

(e) The chief activity is the attempt to form village forests

(f) 2 officers and 12 assistants.

Pandit Bhagat Ram Sharma : May I know from the Minister whether he has taken any active step to secure the co-operation of the zamindars of the district in order to carry on the anti-erosion scheme?

Minister : The supplementary question does not arise either out of the original question or my answer thereto; but I may assure the honourable member that active steps are being taken to associate villagers with the work of administering the scheme.

Pandit Bhagat Ram Sharma : My question is whether any active steps have so far been taken by the Government to secure the co-operation of the zamindars.

Minister : I have already stated that they are being taken.

Pandit Bhagat Ram Sharma : May I know what steps are taken?

Minister : I cannot answer this question on the spur of the moment.

TACCARI IN ATTOCK DISTRICT.

***6091. Chaudhri Jalal-ud-Din Amber :** Will the Honourable Minister of Revenue be pleased to state—

- (a) the amount advanced as *taccari* to the zamindars in tahsils Attock, Fatehjang, Pindigheb and Tala Gang in the Attock district during the financial years 1937-38, 1938-39 and 1939-40 for the development of agricultural land and for the purchase of fodder and seed;
- (b) the names of the persons who have been given more than five hundred rupees as *taccari* for any one of the objects mentioned in (a); the total amount advanced to them;
- (c) the amount paid by each of them as land revenue annually;
- (d) the amount received by each of the persons mentioned (b) by way of *jagir* from the Government?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) :—

Name of tahsil.	UNDER LAND IMPROVEMENT LOANS ACT, XIX OF 1883.			UNDER AGRICULTURISTS' LOANS ACT, XII OF 1884.		
	1937-38.	1938-39.	1939-40.	1937-38.	1938-39.	1939-40.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Attok	480	1,000	800	..	..	695
Fatehjang ..	200	100	100	5,000	3,000	1,000
Findigheb ..	1,200	1,600	2,875	2,000	3,300	2,000
Talagang ..	700	75	775	3,500	2,000	4,000

(b) Three persons were advanced taccavi loans exceeding Rs. 500 and the amount advanced to each of them was Rs. 800, Rs. 1,000 and Rs. 2,500.

(c) Amount of land revenue paid by each of them was Rs. 18-2-9, Re. 1-2-6 and Rs. 1,458-2-9 annually.

(d) Only one person is in receipt of Rs. 2,459-8-0 by way of jagir.

Sardar Sohan Singh Josh : In part (b) of the question, names of those persons were asked. Will the honourable Parliamentary Secretary please give those names?

Parliamentary Secretary : If you are anxious about the names, have them just now. They are as follows :—Abdul Haq, son of Ghulam Hussain, Sher Ahmed, son of Sher Muhammad, Rasul Khan, son of Mirbaz Khan and Abdul Ghafoor Khan, Pathan, son of Ghulam Yasin Khan.

ALLEGATIONS AGAINST A DEPUTY COLLECTOR OF IRRIGATION DEPARTMENT.

***6092. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Revenue be pleased to state whether the Honourable Premier, the Chief Engineer, (Canals) and the Officer-in-charge Anti-corruption Agency have received representations sent on or about the 20th of December, 1938, under registered covers from Muhammad Yusuf Khan, Lambardar, Sardar Sunder Singh, Zaildar, Mehr Singh, Lambardar, Rehmat Khan, Zaildar and some other important zamindars of the Raya Division, Upper Chenab Canal, containing allegations against the corrupt practices of one of the Deputy Collectors of the Irrigation Department; if so, whether any inquiry has been held into the matter so far; if so the result thereof; and if no inquiry has been made, the reasons therefor?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The representation referred to has been received and is being inquired into. The result will not be known for some time.

Pandit Shri Ram Sharma : More than a year has passed and yet no action has been taken by the Government. Were the Ministers sleeping?

Mr. Speaker : Disallowed.

**ALLOTMENT OF LANDS TO LANDLESS PEOPLE OF AMBALA
AND KARNAL DISTRICTS.**

***6006. Sufi Abdul Hamid Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that most of the villages in Ambala district have been destroyed by the hill torrents and the river action and thereby the inhabitants of those villages have been rendered landless and homeless ;
- (b) whether he is also aware of the fact that most of the villages in Karnal district have been eroded by the river Jumna and the inhabitants of those villages have been rendered landless and homeless ;
- (c) whether it is a fact that Government intends to distribute land in the Haveli Project to the poor agriculturists of the province ;
- (d) if the answer to above is in the affirmative, whether Government intends to allot land in the Haveli Project to the landless people of the Ambala and Karnal districts ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) Reports indicate that a little more than half of the villages in the Ambala district are affected by hill torrents or by river action. It would not be correct to say that they have been destroyed.

(b) No.

(c) and (d) Government have under consideration the selection of colonists for the limited area available in the Haveli Project. The claims of the people of the Ambala and Karnal districts will be considered along with others.

Lala Duni Chand : In view of the serious state of affairs as admitted by the Parliamentary Secretary that more than half the villages in the Ambala district are affected by hill torrents, has Government taken into consideration or prepared any plan to save the Ambala district from destruction ?

Parliamentary Secretary : Government can prepare plans only about matters which are within the control of human beings.

Lala Duni Chand : May I know whether it is the plan of Government to leave the people to their fate ?

Parliamentary Secretary : No.

Lala Duni Chand : I want to know what action has been taken.

Parliamentary Secretary : All humanly possible action has been taken in the past and as I have said in parts (c) and (d) Government will take into consideration the plight of the people of these villages at the time of selection of colonists.

Lala Duni Chand : That is just what I want to know. What human action has been taken ? I take you to be human Government.

Parliamentary Secretary : I would request the honourable member either to suggest how to divert the course of the river Jumna, or to pray Providence to divert the course.

Lala Duni Chand : What about the destruction caused by hill torrents in the Ambala district ?

RATE OF INTEREST ON TACCARI LOANS.

***6097. Sufi Abdul Hamid Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the rate of interest for *taccari* loans was 9 per cent in the year 1931 and now it has been reduced to 6 per cent.
- (b) if the answer to above be in the affirmative, the reasons for this difference in the rate of interest ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) The rate of interest on *taccari* loans in the year 1931 was $7\frac{3}{4}$ per cent and not 9 per cent. The present rate of interest is $4\frac{1}{2}$ per cent and not 6 per cent.

(b) The reason for this difference is that the rate of interest charged by Punjab Government depends upon that charged by the Government of India on the loans advanced by that Government. It is one per cent higher than that at which it is borrowed from the Government of India.

Sufi Abdul Hamid : Is there any difference between the circumstances in which previously the rate was, $7\frac{3}{4}$ per cent and the circumstance under which the rate has been reduced to $4\frac{1}{2}$ per cent ?

Parliamentary Secretary : Yes, there is some difference.

BREAKING OUT OF A FIRE IN VILLAGE SARANWALA IN DISTRICT AMBALA.

***6105. Chaudhri Jugal Kishore :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether he is aware of the fact that on 16th November, 1939, the Majri of *Achhuts* in village Saranwala, thana Sadhora, in the Ambala district, suffered a great loss on account of the breaking out of a fire, of which a report was made to the Tahsildar.
- (b) whether the *Patwari* of the *ilaga* visited the spot and estimated the extent of the loss ;
- (c) if the answer to the above be in the affirmative, whether it is intended by Government to give any relief to the *Achhuts* of the village mentioned in (a) ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) There was a fire : Three houses of *chamars* were burnt.

(b) Yes.

(c) A final report from the Deputy Commissioner is awaited.

Chaudhri Jugal Kishore : Last year I asked a question about Mehtab Garh where the house of an *Achhut* had been burnt. Why was no compensation given to the aggrieved persons ?

Mr. Speaker : Disallowed.

Chaudhri Jugal Kishore : When will any compensation be granted in the present case ?

Parliamentary Secretary : After the enquiry.

Lala Harnam Das : Will party considerations be kept in view ?

Mr. Speaker : Disallowed.

Chaudhri Jugal Kishore : When will the enquiry finish ?

Minister of Revenue : As soon as the Deputy Commissioner's report is received.

CONTRACT FOR *TIRNI* TAX IN JHANG DISTRICT.

***6107. Mr. Dev Raj Sethi :** Will the Honourable Minister of Revenue be pleased to state—

- (a) tahsil-wise the total amount of *Tirni* Tax collected annually in Jhang district and whether this tax is realized through contractors ;
- (b) the rate of charges fixed per animal ;
- (c) whether any tenders are invited for these contracts or that contracts are given to the highest bidder in public auction ;
- (d) whether the Deputy Commissioner, Jhang, issued orders disqualifying a particular person from tendering for the contract of *Tirni* ; if so, when and why ;
- (e) the names of the contractors who collected this tax and how long has each been getting this contract ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : The information asked for by the honourable member is being collected and will be supplied when ready.

AMENDMENT OF *ZAILDARI* RULES.

***6109. Khan Muhammad Yusuf Khan :** Will the Honourable Minister of Revenue be pleased to state—

- (a) whether it is a fact that the *Zaildari* Rules have recently been amended making it impossible for a *zaildar* to carry on his duties through a substitute or a *sarbarah* for more than 2 years even though he be in Government service or be a minor ;
- (b) if the reply to (a) above be in the affirmative, the consideration that have weighed with the Government to amend the said rules ?

Parliamentary Secretary (Raja Ghazanfar Ali Khan) : (a) No.

(b) Does not arise.

DEBT CONCILIATION BOARD, BHAKKAR.

***5773. Mian Abdul Rab :** Will the Honourable Minister for Development be pleased to state—

- (a) the number of days for which the Debt Conciliation Board, Bhakkar, in the Mianwali district, has worked during the period of six months beginning with the 1st April, 1939 ;

[Mian Abdul Rab.]

(b) for how many of these working days the members of the said Board remained on tour ;

(c) how much travelling allowance they drew during these months ?

The Honourable Chaudhri Sir Chhotu Ram : (a) 119 days.

(b) 67 days.

(c) Apart from the fixed travelling allowance of Rs. 50 per mensem each of the Chairman and members of the Board are not entitled to any other travelling allowance.

DEBTS DISCHARGED BY DEBT CONCILIATION BOARD, JHANG.

***5935. Mr. Dev Raj Sethi :** Will the Honourable Minister of Development be pleased to state the total number of cases, during 1935—38 in which debts were declared to have been discharged by the Debt Conciliation Board, Jhang, and the total amount so discharged for omission to produce on the day of hearing documents in support of the debts claimed by the creditors and for failure on the part of the creditors to produce the accounts prior to the loan deed, bond or promote under dispute, in spite of its admission by the debtor in his petition ?

The Honourable Chaudhri Sir Chhotu Ram : The collection of the information asked for in the question will involve time and labour which will be out of all proportion to the results likely to be obtained.

RELEASE OF KISAN MORCHA PRISONERS.

***6023. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) names of the Kisan Morcha prisoners who were convicted under section 145, Indian Penal Code, and were subsequently released on 14th December, 1939, from Borstal Jail, Lahore ;

(b) the hour at which they were released ;

(c) the destination for which they were bound by railway journey ;

(d) whether on release they were provided with warm blankets for the night journey ?

The Honourable Mr. Manohar Lal : No Kisan Morcha prisoners convicted under section 145 of the Indian Penal Code were released on the 14th December, 1939, from the Borstal Institution and Juvenile Jail, Lahore.

HEALTH OF KISAN MORCHA PRISONERS.

***6024. Sardar Hari Singh :** Will the Honourable Minister of Finance be pleased to state—

(a) whether there has been any reduction in the weight of Sardar Bhagwan Singh, Kisan Morcha Prisoner, convicted under section 117/188, Indian Penal Code, in District Jail, Multan ; and if so, the steps taken to improve his weight and health ;

- (b) state of health of Babu Kesar Singh, a Kisan Morcha Prisoner, in the same jail and whether he is being medically treated;
- (c) health and weight on admission and health and weight at present of Kisan Morcha Prisoner, Lahori Ram Pardesi, Sohan Singh and Takhat Singh now confined in the District Jail, Multan?

The Honourable Mr. Manohar Lal: (a) Prisoner Bhagwan Singh was released on the 5th January, 1940. His weight on admission into the jail was 234 lbs., and his weight on discharge was 204 lbs. He was suffering from obesity, his health was good and no steps were necessary to increase his weight.

(b) The state of health of prisoner Kesar Singh is good. The eczema of his face and scalp has been completely cured and he does not now require medical treatment.

(c) A statement giving the required information is laid on the table.

Sardar Rur Singh: May I know whether any Kisan Morcha prisoner is in a precarious condition?

Minister: The statement laid on the table contains only three names and the condition of no one is *nazuk*.

Sardar Rur Singh: Is Bannerji in a precarious condition?

Minister: No question has been asked about Bannerji. I do not know whether he is a Kisan prisoner.

Statement.

Name of the prisoner.	Health on admission.	Present health.	Weight on admission.	Present weight.
Lahori Ram ..	Indifferent ..	Indifferent ..	108 lbs.	112 lbs.
Sohan Singh ..	Good except for a stricture.	Somewhat improved after dilation of the stricture.	123 lbs.	124 lbs.
Takhat Singh ..	Good except for piles.	Good except for piles.	120 lbs.	127 lbs.

FLOGGING OF KISAN MORCHA PRISONERS.

***6025. Sardar Hari Singh:** Will the Honourable Minister of Finance be pleased to state—

- (a) the number and names of Kisan Morcha prisoners flogged or whipped in the Mianwali Jail between 1st April, and 1st November, 1939, and also the number of stripes awarded in each case, and the offence for which each such prisoner was flogged and whipped;
- (b) number of prisoners of the same category who were awarded whipping in other jails in the Punjab during the same period?

The Honourable Mr. Manohar Lal : No Kisan prisoners were flogged or whipped in the Mianwali District Jail or any other jail in the Punjab between 1st April and 1st November, 1939.

SARDAR DALIP SINGH OF VILLAGE TAPIALA.

***6083. Sardar Sohan Singh Josh :** Will the Honourable Minister for Finance be pleased to state—

- (a) the weight at the time of the arrest of Sardar Dalip Singh of village Tapiala, district Amritsar, convicted in connection with the Lahore Kisan Morcha and at present confined in the Rawalpindi Jail ;
- (b) his present weight and general condition of health ;
- (c) the papers and books he is allowed to read ?

The Honourable Mr. Manohar Lal : (a) His weight on admission into the jail was 186 lbs.

(b) His present weight is 183 lbs. and his general condition of health is good.

(c) He is allowed to read the four daily newspapers subscribed to by the jail, books from the jail library and books from outside within the limits prescribed by paragraph 656 of the Punjab Jail Manual.

SARDAR NARAIN SINGH SANDHU OF VILLAGE KHARA, DISTRICT AMRITSAR.

***6087. Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state the weight of Sardar Narain Singh Sandhu of village Khara, thana Sarhali, district Amritsar, at the time of his arrest in the Kisan Movement and his present weight in the District Jail, Multan, with the reasons for the deterioration of his health if there has been any deterioration ?

The Honourable Mr. Manohar Lal : His weight on admission to the Sub-Jail Amritsar was 186 pounds. His present weight is 123 pounds. The general state of his health is good.

Sardar Sohan Singh Josh : Then, what is the cause of his weight having reduced ?

Minister : I could not say. These weights seem to vary upwards and downwards a good deal.

DR. BANNERJEE OF BALGARIA STATE, BENGAL.

***6088. Sardar Sohan Singh Josh :** Will the Honourable Minister of Finance be pleased to state whether Dr. Bannerjee of Balgaria State, Bengal, at present confined in the District Jail, Multan, gets fainting fits occasionally ; if so, the medical treatment provided for him and his present state of health ?

The Honourable Mr. Manohar Lal : The prisoner in question gets occasional attacks of faintness. He is suffering neither from an organic disease of the heart nor of the circulatory system. It appears that these

attacks are hysterical in nature. He is being treated in the Jail hospital and his general health is good.

Sardar Sohan Singh Josh : What food is being given to the prisoner?

Minister : All that I know is that he is being transferred from the Multan Jail to Rawalpindi. It is expected that he will do better in Rawalpindi. I know nothing about his food.

Sardar Rur Singh : May I know if Government is prepared to let off Mr. Bannerji on parole so that he may be sent up for treatment in the hospital?

Mr. Speaker : That is a request for action.

Pandit Shri Ram Sharma : Sir, the question is whether Government has considered the desirability of releasing Mr. Bannerji on parole?

Minister : No.

Mr. Speaker : That is a request for action. The honourable member may move a resolution.

COMRADE GURMUKH SINGH.

*6094. **Shrimati Raghbir Kaur :** Will the Honourable Minister for Finance be pleased to state—

- (a) the unexpired portion of the sentence of Comrade Gurmukh Singh;
- (b) whether any remission in the sentence has been allowed to Comrade Gurmukh Singh, if not, why not;
- (c) when did the case of the said Comrade Gurmukh Singh last come up for consideration as to when he should be released and the result at which Government arrived after that consideration?

The Honourable Mr. Manohar Lal : (a) As he is serving a sentence of transportation for life; no definite calculation can yet be made.

(b) Yes.

(c) August, 1939. No decision regarding the date of this prisoner's release has been made.

Sardar Rur Singh : May I know when the case of Comrade Gurmukh Singh last came up for consideration and whether Government have arrived at any decision to release him?

Minister : I have already answered the first part of this question as August, 1939. No decision regarding the date of this prisoner's release has been made.

Sardar Sohan Singh Josh : With reference to the answer to part (b) can the Honourable Minister tell us what remission in sentence has been granted to him?

Minister : No.

**ACQUISITION OF LAND AT THE FOOT OF SHIWALIK HILLS IN
KHARAR AND RUPAR TAHSILS.**

***6099. Sufi Abdul Hamid Khan :** Will the Honourable Minister for Development be pleased to state—

- (a) whether it is a fact that the Government took over the land belonging to the inhabitants of the villages lying at the foot of Shiwalik hills in the Kharar and Rupar tahsils of the Ambala district under a notification about 25 years ago ;
- (b) whether any compensation was paid to those people from whom land was so taken ;
- (c) whether the Government after taking over the land mentioned in (a) above made any arrangements for the grazing of their herds of sheep and goats, if not, the reasons for the same ;
- (d) whether it is a fact that that land which was taken over is since then reserved under the Forest Department ; if so, whether the object, with which it was taken over has either partly or wholly been achieved ;
- (e) if the answer to above is in the negative, what action does the Government propose to take in the matter ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) Government did not acquire any land belonging to the inhabitants of the villages, but in order to provide for their better preservation and protection the lands of certain villages situated within or adjacent to the Shiwaliks which were considered to be affected or liable to be affected by the debodisement of the forest in that range and by the action of chos, were notified in 1914 under section 3 of the Punjab Land Preservation (Chos) Act, 1900.

(b) As no land was taken over no compensation was paid for land, but compensation to the extent of about Rs. 82,000 was paid to the villages for their rights of admission, herding, pasturing or retention of sheep and goats, which was prohibited.

(c) No ; the necessity for doing so did not arise, since the acceptance of compensation by the villagers implied that they would make their own arrangements.

(d) No ; only the restrictions and prohibitions required under section 4 of the Punjab Land Preservation (Chos) Act, 1900, are being enforced by the Forest Department. The object has so far been only partly achieved.

(e) Does not arise.

Lala Duni Chand : Is it true that the inhabitants of the Shiwalik area have been making representation repeatedly regarding their grievances caused by the acts of the Government and, if so, may I know, whether the Government has taken any steps to remove any of those grievances ?

Minister : Government has to consider the question of the betterment of the province as a whole and the erosion and chos from these barren hills are the cause of the trouble and therefore it is necessary to take action under the Chos Act.

Lala Duni Chand : May I know whether the Government has granted any relief to the people near the Shiwalik area ?

Minister : It is answered in (b) that compensation to the extent of about Rs. 82,000 was paid to the villages for their rights of admission, etc.

Lala Duni Chand : Is the Government aware of the fact that this part of the Ambala district is the poorest ?

Minister : It cannot be very poor with my friend's lucrative practice. (Laughter.)

Lala Duni Chand : Will the Honourable Revenue Minister be pleased to pay a visit to this part of the district at any time ? I have been making that request to the Honourable Chaudhri Sir Chhotu Ram and yourself.

Minister : I have paid several visits to Ambala district.

BABA KESAR SINGH.

***6101. Shrimati Raghbir Kaur :** Will the Honourable Minister for Finance be pleased to state—

(a) whether he is aware that Baba Kesar Singh, President of the Punjab Kisan Committee, who was convicted by the court of the Additional District Magistrate, Lahore, is undergoing a term of one year's simple imprisonment in the Multan Jail ;

(b) whether he is also aware that Baba Kesar Singh is lying ill and has lost 41 pounds in weight ;

(c) if the answers to parts (a) and (b) be in the affirmative, the steps the Government has taken or proposes to take for his treatment ?

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

(b) He is not ill. He has lost not 41 pounds but only 2 pounds in weight since his admission to the Lahore Central Jail in August last.

(c) Because of his age he has been placed in the convalescent gang and is getting $\frac{1}{2}$ seer of milk in addition to the usual jail diet.

SARDAR BALWANT SINGH.

***6102. Shrimati Raghbir Kaur :** Will the Honourable Minister for Finance be pleased to state—

(a) whether it is a fact that Sardar Balwant Singh who was convicted by an Amritsar Court in connection with the Kisan agitation and who is serving his sentence in the Multan Jail is lying ill and has fits of unconsciousness ;

(b) if the answer to (a) be in the affirmative, the steps the Government has already taken or proposes to take for his treatment ?

The Honourable Mr. Manohar Lal : (a) He is not ill. He had a fit about a month ago.

(b) He is receiving proper medical treatment.

Shrimati Raghbir Kaur : May I remind the Honourable Minister that I brought a telegram to his notice that Baba Kesar Singh, Sardar Balwant Singh and Mr. Bannerji were lying ill in the Multan District Jail? Has he moved in the matter?

Minister : I have already made a statement about Baba Kesar Singh and Sardar Balwant Singh. So far as the condition of Mr. Bannerji is concerned, I may assure the honourable lady member that he is not in a precarious condition, although he does not seem to have made any appreciable progress.

Shrimati Raghbir Kaur : May I know if this fact has been brought to the notice of the Honourable Minister that Baba Kesar Singh has been suffering from a virulent skin disease?

FELLING OF SHISHAM TREES IN MURREE TAHSIL.

***6108. Khan Muhammad Yusuf Khan :** Will the Honourable Minister for Development be pleased to state—

(a) whether it is a fact that some individuals in the Murree tahsil of Rawalpindi district have not been permitted to fell trees of shisham, etc., from their own lands grown by them on the plea that Guzara Rules do not allow such trees to be cut without permission of the authorities concerned;

(b) whether it is a fact that the Guzara Rules of the district are quite silent on the point, i.e., a person who grows trees on his land in the hilly tracts can or cannot fell trees without the permission of the authorities concerned?

(c) if the reply to (b) above be in the affirmative, whether the Rules shall be so amended as to clear the point in issue or the persons concerned shall be allowed to fell their trees without the permission of the authorities?

The Honourable Chaudhri Sir Chhotu Ram : (a) No application has been received, but it is a fact that the Guzara Rules do not permit the cutting of *shisham* without permission.

(b) The Guzara Rules apply to all trees except *dhrek*, *ber* and fruit trees. They are intended to prevent the unrestricted destruction of vegetation, without interfering with the domestic needs of the village population.

(c) It does not appear that any amendment is required.

Khan Muhammad Yusuf Khan : May I know which is the rule which says that a person who grows trees on his land should not cut them?

Minister : If the honourable member gives fresh notice of this question I will supply the answer.

Khan Muhammad Yusuf Khan : The question is already there and I want to know what that rule is. There is no need for any fresh notice.

Minister : No. The honourable member says that the rules are silent on the point. I say rules on the subject do exist.

**COLLAPSE OF A PORTION OF THE BUILDING OF THE VETERINARY
HOSPITAL, JAMPORE.**

***6114. Khan Bahadur Sardar Muhammad Hasan Khan Gur-chani :** Will the Honourable Minister for Development be pleased to state—

- (a) whether a portion of the building of the Veterinary Hospital, Jampore, which was only recently constructed has, a few days ago, suddenly collapsed ; if so, whether he has ascertained the reasons of this sudden collapse ;
- (b) whether there has been any loss of life or property on account of this sudden collapse ;
- (c) if the answer to (b) above be in the affirmative, the steps that he has taken or proposes to take to compensate those who have suffered in any way by this sudden collapse ?

The Honourable Chaudhri Sir Chhotu Ram : (a) On the night of the 7th January the servants quarters attached to the Veterinary Hospital at Jampore collapsed. The cause of the collapse was water-logging.

(b) Five persons belonging to the family of the sweeper of that hospital were killed.

(c) The question whether any compensation should be allowed is under consideration.

UNSTARRED QUESTIONS AND ANSWERS.

HINDI MAHAJAI SCHOOL, SIRSA.

1045. Pandit Shri Ram Sharma : Will the Honourable Minister of Education be pleased to state whether it is a fact that at the time of granting provisional recognition to the Hindi Mahajai School, Sirsa, in Hissar district, certain very hard and unusual conditions were imposed by the Inspector of Schools to be fulfilled before the school could be granted final recognition ; if so, the reasons therefor ?

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

**INSTRUCTIONS TO HEADS OF GOVERNMENT DEPARTMENTS FOR
MAKING APPOINTMENTS.**

1046. Bhagat Hans Raj : Will the Honourable Premier be pleased to lay on the table of the House a copy of the instructions, which have recently been issued to the various heads of the Government departments, for their guidance while making appointments from among candidates belonging to the various communities in the province with special reference to scheduled castes ?

The Honourable Major Sir Sikander Hyat-Khan : Separate orders are issued for different departments. The gist of them has been given in the answer to Assembly question No. *5699.

ADDITIONAL DISTRICT MAGISTRATE, DERA GHAZI KHAN.

1047. Sardar Muhammad Azam Khan : Will the Honourable Premier be pleased to state—

- (a) the total population of the Dera Ghazi Khan district ;
- (b) the proportion of the Muslims to the population ;
- (c) whether he is aware of the fact that since 1920 no Muslim Additional District Magistrate has been posted to the above-named district ; if so, the action Government propose to take in the matter to redress the grievances of the Muslims of the district in this connection ?

The Honourable Major Sir Sikander Hyat-Khan : (a) 520,686.

(b) 88·8 per cent (approximately).

(c) The reply is in the affirmative. Such appointments are not made on communal considerations, but on those of efficiency and administrative convenience. In practice, however, endeavours are always made to hold the communal balance in the executive and judicial services in each district as even as possible.

DEPUTY REGISTRARS, CO-OPERATIVE DEPARTMENT.

1048. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Development be pleased to state whether it is a fact that all the Deputy Registrars in the Co-operative Department are non-Muslims ; if so, why ?

The Honourable Chaudhri Sir Chhotu Ram : Yes. Promotion is determined by seniority combined with efficiency. It so happened that the seniormost Assistant Registrars who were non-Muslims and fully efficient got promotion as Deputy Registrars.

DEPUTY SUPERINTENDENT, VETERINARY, HISSAR.

1049. Khan Sahib Chaudhri Sahib Dad Khan : Will the Honourable Minister for Development be pleased to state whether it is a fact that the post of the Deputy Superintendent, Veterinary, at Hissar is being continuously held by Hindus from October, 1929 ; if so, why ?

The Honourable Chaudhri Sir Chhotu Ram : No. It is not a fact.

LOOTING OF SHOPS AT NANAKSAR GURDWARA IN TAKHTUPURA
POLICE STATION.

1050. Sardar Rur Singh : Will the Honourable Minister for Public Works be pleased to state—

- (a) whether Government is aware that on the night of 15th January, 1940, at Nanaksar Gurdwara in Takhtupura, thana Nihal Singh Wala, tahsil Moga, district Ferozepore, some shops were looted and a rifle was fired by one badmash on that occasion and all this was allowed to take place in the presence of some policemen posted to the said police station ;

- (b) whether it is a fact that representations to this effect have been made to Deputy Commissioner, Ferozepore, Superintendent of Police, Ferozepore, and the Honourable Premier or Minister of Revenue; if so, the action taken or intended to be taken against those guilty of dereliction of duty?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana: (a) The facts are that at about 10 p. m. on the evening of the 16th January, when the major portion of the police had been withdrawn on the close of the Mela at Takhtupura, three small booths were ransacked, one of the culprits firing his gun to intimidate the villagers. There does not appear to be any ground for the suggestion that the firing took place in the presence of policemen, but certain allegations have been made against the police in the locality and these are being investigated under the orders of the Superintendent.

(b) Representations to this effect have been received. As I have explained, the whole matter is under inquiry and if any police officer is found to have been guilty of dereliction of duty, suitable action will be taken.

PUNJAB CIVIL SECRETARIAT STAFF.

1051. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani: Will the Honourable Premier be pleased to lay on the table of the House a statement community-wise, of the Superintendents, Assistants and clerks in the Punjab Civil Secretariat and state—

(a) whether all the communities are adequately represented in all the grades;

(b) whether he intends to remove the communal inequalities, wherever they exist, and, if not, why not?

The Honourable Major Sir Sikander Hyat-Khan: The Honourable Member is referred to the consolidated statement showing the proportionate representation of the various communities serving in different departments in the Punjab, copies of which are supplied to the House annually. Copies of the list corrected up to the 1st January, 1940, will be available shortly.

(a) and (b) Communal considerations cannot be observed in making promotions from one grade to another, but in direct recruitment the principles recently laid down by the Punjab Government regarding communal representation are strictly observed and any disparities that exist at present will be removed in course of time.

JURORS AND ASSESSORS.

1052. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani: Will the Honourable Minister for Finance be pleased to state the number of jurors and assessors community-wise, in the Multan district and the number of agriculturists among them?

The Honourable Mr. Manohar Lal :—

	Muslims.	Hindus.	Sikhs.	Total.	Agriculturists.	Non-Agriculturists.
Assessors ..	183	83	14	280	180	100
Indian Jurors ..	14	24	3	41	14	27

ADDITIONAL DISTRICT MAGISTRATES.

1053. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Premier be pleased to state—

- the number of additional District Magistrates, community-wise, in the Punjab and the number of agriculturists among them ;
- the number of Muslims appointed as Additional District Magistrates during the last 8 years ;
- whether he intends taking steps to remove the communal inequalities existing in the cadre of Additional District Magistrates in the province ?

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

Hindus ..	..	..	..	..	18
Muslims ..	..	..	..	..	4
Sikhs ..	..	..	..	..	2
Anglo-Indians ..	..	..	..	..	3

The number of agriculturists among these is—

Hindus ..	..	..	..	..	3
Muslims ..	..	..	..	..	4
Sikhs ..	..	..	..	..	2
Anglo-Indians ..	..	..	..	..	0

(b) Nine.

(c) There is no separate cadre of Additional District Magistrates and appointments are not made on a communal basis but by selection from officers qualified for these powers, a matter which is settled in consultation with the High Court.

SUB-INSPECTORS OF POLICE.

1054. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Minister for Public Works be pleased to lay on the table a statement, community-wise, of the Sub-Inspectors of Police in the Province promoted as Inspectors during the last 3 years and state the number of agriculturists among them ?

The Honourable Major Nawabzada Malik Khizar Hayat Khan Tiwana : The figures are—

	<i>Agriculturists.</i>	<i>Non-Agriculturists.</i>
Muslims	20	4
Hindus	4	8
Sikhs	2	4

PUNJAB ENGINEERING SERVICE.

1055. Makhdumzada Haji Sayed Muhammad Wilayat Husain Jeelani : Will the Honourable Minister for Revenue be pleased to state—

- (a) the number of persons who have been recruited in the Punjab Engineering Service during the last 3 years and lay a statement, on the table of the House showing the list of candidates community-wise, thus recruited ;
- (b) the steps, if any, he intends taking to remove the communal inequalities, wherever they exist, in this service ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) The number of persons recruited community-wise to the Punjab Service of Engineers (New) in the Buildings and Roads Branch and to Punjab Service of Engineers, Class I and II, in the Irrigation Branch, during the last 3 years is as follows :—

Buildings and Roads Branch.

	<i>Punjab Service of Engineers (New).</i>
Europeans	2
Hindus	10
Muslims	3
Sikhs	2

Irrigation Branch.

	<i>Punjab Service of Engineers, Class I.</i>	<i>Punjab Service of Engineers, Class II.</i>
Europeans	3	..
Hindus .. .. .	..	6
Muslims	1	14
Sikhs	1	6
Others .. .. .	..	1
	<u>5</u>	<u>27</u>

[Minister for Revenue.]

(b) The existing representation of each community is the result of appointments made in the past. All recruitment is now made in proportions fixed for each community and matters will adjust themselves in due course of time. It may be added that a comparatively large number of officers are about to be recruited for the Buildings and Roads Branch of the Public Works Department and the selection will be made from communities who are at present under-represented on the proportions fixed for them.

QUESTIONS OF SARDAR TEJA SINGH SWATANTAR.

Mr. Speaker : I promised two or three days ago to give my ruling whether an honourable member can ask questions on behalf of the honourable Sardar Teja Singh Swatantar. Rule 90 of our rules lays down that a question may be asked on behalf of a member who is
 1 P. M. absent. But a member cannot take his seat in this House unless he takes oath of allegiance. Therefore, honourable Sardar Teja Singh Swatantar cannot sit in the House and ask a question unless he has been sworn and what he cannot do himself cannot be done by any honourable member on his behalf.

ADJOURNMENT MOTION.

TEACHERS OF DISTRICT BOARD SCHOOLS, JULLUNDUR.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : Sir, I beg to ask for leave to make a motion for the adjournment of the business of the House to discuss a definite matter of urgent public importance namely, the drastic reduction of education budget of the District Board, Jullundur, resulting in service of notices on about 200 teachers for termination of their services on the 24th of May next.

Mr. Speaker : The motion is *prima facie* in order.

Minister for Public Works : But I have got to submit something which might save the time of the House.

Mr. Speaker : The Honourable Minister can have his say after I have read the motion to the House. Motion is to ask for leave to move for the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the drastic reduction of education budget of the District Board, Jullundur, resulting in service of notices on about 200 teachers for termination of their services on the 24th of May next.

Minister for Public Works : I would like to say one or two things. As you remember a similar adjournment motion was moved the other day.

Sardar Hari Singh : Leave was sought and not moved.

Minister : Notice was given and in that connection I said that a short notice question had been given notice of, which I was going to accept. The House would have all the information within a few days. No further facts have come to the notice of the Government excepting this that notices

have been served on certain teachers. But this is in pursuance of the old decision of the board. As the Honourable Minister for Education said the Board is shortly to meet and the Director of Public Instruction would be going down to discuss matters with the local officers. Under these circumstances I think it would be better to leave the matter there so that an amicable settlement may be arrived at with an autonomous body like the district board, otherwise we might perhaps be forcing matters against the elected representatives of the people which will not be well-advised. What I would request is that till I have given replies to that short notice question this motion may be held up. You were pleased to rule the other day that you will not rule it out of order on grounds of urgency if replies to short notice question are awaited. For these reasons I would ask the honourable member not to press his motion.

Mr. Speaker : What has persuaded me to hold the motion in order is that notices of discharge and dismissal have been served on 200 teachers and this is a very important public matter. But if what has been said by the Honourable Minister is taken into consideration an amicable settlement might be obtained. However, this is for the honourable member to decide and if he brings the motion later I shall have no objection.

Mr. Dev Raj Sethi : When is the reply expected ?

Minister : I said that I have accepted the short notice question and I think in three or four days it may be possible to reply that question and as to the actual result whether any settlement has been arrived at with the Board or not, we will be in a position to say within a fortnight, because a meeting of the Board is to be arranged with the Director of Public Instruction and the local officers. The facts in reply to the short notice question I will be able to place before the House in two or three days' time.

Diwan Chaman Lall : May I ask in regard to this matter whether action has been actually taken against these two hundred teachers ?

Mr. Speaker : The honourable member has no right to discuss.

Pandit Muni Lal Kalra : May I know whether other members of the Assembly are debarred from taking part in the discussion that takes place ?

Mr. Speaker : Yes, unless any matter has been proposed from the Chair and is before the House or special permission is given by the Chair.

Sardar Hari Singh : I leave it to the Leader of the Opposition whether to accept that suggestion or not.

Mr. Speaker : Those who are in favour of the leave being granted may stand in their places.

Dr. Sir Gokul Chand Narang : But have they opposed leave being granted ?

Minister : No useful purpose would be served by the debate.

Mr. Speaker : The Honourable Minister has already explained that to the honourable mover and it is for him to decide. As there is no objection the motion will be taken up after the ordinary business is interrupted to-day.

Pandit Shri Ram Sharma : On a point of order. There was an adjournment motion standing in my name on the 23rd instant but I was not even allowed to ask for leave because the budget session was about to begin.

Mr. Speaker : That is not a point of order. Two hundred people with their families and children are concerned. So, I have held the matter to be urgent and important.

Pandit Shri Ram Sharma : Last year when you gave the ruling the budget session had already commenced, but this year the budget session has not yet begun.

Mr. Speaker : The honourable member is criticising my ruling, which he cannot do.

HOURS OF SITTING.

Premier : I beg to move—

That the Assembly shall at its meeting this day sit till 6-30 p.m. and that the Speaker shall adjourn the meeting at this hour without question put.

The House will observe that I am asking for this extended sitting only for to-day, because if we make rapid progress to-day it may not be necessary to sit late hours on later days. But if the progress is not satisfactory, I am afraid I will have to move for similar extended sittings on later days also during the session.

Mr. Speaker : The question is—

That the Assembly shall at its meeting this day sit till 6-30 p.m. and that the Speaker shall adjourn the meeting at this hour without question put.

The motion was carried.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Mr. Speaker : The Assembly will now resume debate on the Punjab Relief of Indebtedness (Amendment) Bill.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : In resuming my speech I beg to state that I had practically finished saying what I wished to say at this stage. I shall therefore conclude my speech in a couple of sentences. Judging from the number of new clauses alone which have been introduced by the select committee, you will find, Sir, that this is an entirely new Bill. Not only that. Radical changes have been introduced by the select committee, changes which entirely alter the scope of the original Bill. The Bill as it has emerged from the select committee extends the powers of conciliation boards over non-agriculturists living both in urban and rural areas. It now confers jurisdiction on them in cases where the debtors are non-agriculturists. It gives the boards the power of adjudication which was not possessed by them before. Other changes of a revolutionary character have also been introduced in the new Bill. Under these

circumstances I most earnestly press upon this House the desirability of circulating this Bill so that the Government may be in a position to get expert advice which is readily available. I have purposely fixed a very early date for the collection of opinions so that as soon as the budget session is over this legislation may be taken up.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) (Urdu): Sir, the Bill under consideration covers a very important subject in so far as it relates to a very serious matter, namely, debt relief. Moreover, the report of the select committee is such that it would be a blunder to take immediate steps for the enactment of a measure of this nature merely on the recommendations of the said committee without eliciting public opinions thereon.

Khan Sabib Khawaja Ghulam Samad: Sir, we cannot hear even a word of what the honourable member is saying.

Chaudhri Krishna Gopal Dutt: I cannot speak louder than this. Please ask the Honourable Premier to get a loud-speaker fitted in the chamber for your benefit. Mr. Speaker, I am unable to speak louder due to throat trouble and, therefore, I submit that the honourable members should excuse me if I cannot comply with their wishes. If my honourable friends want to know the Congress view point on this subject of debt relief they would kindly be more attentive and they will be able to hear me all right.

Sir, the question of debt relief is a delicate and important question and you know, Sir, that different opinions are held on the subject in the Punjab. And you will agree with me, Sir, that there is no doubt an honest difference of opinion on the subject. So far as the difference of opinion among the major parties in this House, viz., the Unionist party, the Congress party and the Independent party, is concerned I am quite cognizant of the fact that an honest difference of opinion exists. It is, therefore, very essential that we should put our heads together and with open minds try to find out a right solution of this acute problem. In my humble opinion the select committee does not suggest any sound solution of this delicate question.

I am of the opinion that we cannot succeed in attaining or bringing about that ideal or millenium when debt may at least substantially be scaled down if not removed altogether from this province by this measure or by the agrarian legislation which has already been brought into existence. This is not a view held by myself alone but also the view of a very important member of the Unionist Party. In his note of dissent my honourable friend Captain Sodhi Harnam Singh has stated that the steps taken, or measures enacted so far, for reducing the debts in this province, have not succeeded in their object. Had an honourable member belonging to the Congress Party given expression to an identical opinion the Honourable Minister of Development would not have taken any notice of it, but as it is, this opinion is expressed by no less a person than Captain Sodhi Harnam Singh who is a prominent member of the Ministerialist Party. By making a reference to my honourable friend's minute of dissent I do not lend my support to all that he

[Ch. Krishna Gopal Dutt.]

has stated therein but I would not hesitate in saying that I am in agreement with the spirit of his note. I want to draw the attention of the Honourable Minister of Development to the fact that even if he does not like the suggestion made by the honourable members on this side of the House he should at least dispassionately consider the observations made by a member of his own party.

Sir, the Bill as it has emerged from the select committee is very different from the one originally introduced in the House. The select committee has effected radical changes in its various provisions. Not only the scope of the Bill but also its very nature has been altered. Therefore, it is absolutely necessary that the Bill as reported by the select committee should be circulated to elicit the opinion of all classes and sections of the people that are going to be affected by this measure. The creditors and the debtors, agriculturists as well as non-agriculturists, all concerned should be given an opportunity to express their opinion on a measure which is going to touch their most vital interests. Let me tell the Government plainly that a large and important section of the people have no faith or confidence in it, and the pity of it is that their attitude is justified by the actions of the Government itself. First they created the question of agriculturists and non-agriculturists which divided the people of the province into two water-tight compartments, and now you have started another campaign of hatred and bitterness by creating the impression that all the creditor classes are essentially the bitterest enemies of the debtor classes. The main responsibility for creating this atmosphere lies on the shoulders of the stalwarts of the Unionist party. My submission is that instead of fanning the fire of hatred and bitterness among the various sections of the people it is the duty of the Government to find ways and means to rid the province of the poison of class-hatred. The Government does not represent only one section of the people and, therefore, when there are two conflicting interests involved in any question the Government must keep the scales even between them. The people who are going to be affected by this measure have a right to be heard and neither the Government nor the Assembly would be justified in robbing them of that right.

The Honourable Minister of Development thinks that the motion for circulation of a Bill always amounts to an attempt to kill it. Sir, I had also given notice of a similar motion with respect to the Bill under consideration, but owing to the circumstances that arose the other day I could not be present in the House and speak on the motion that is now before us. But I assure the Honourable Minister that this motion is not intended to kill the measure. I might remind him that he himself quite recently moved similar motions with respect to at least two Bills. He himself moved circulation motions in regard to the Factories Amendment Bill and the Trade Employees Bill. Now, may I ask what is wrong in the Congress party moving a circulation motion with respect to a measure of such a far-reaching character when he himself has been moving for the circulation of much less important Bills?

Let me make it absolutely clear that so far as giving relief to the deserving debtors is concerned, all sections of the Opposition are in full agreement with the Government. There is no difference of opinion in regard to

that. The difference arises with respect to the methods adopted to achieve that object, and this difference of opinion is not only between the Government and the Congress party or the Government and the Independent party but the question is of such importance that this difference can arise even between the Congress and the Independent parties. For instance such difference exists between these two parties with respect to the debt measures passed by other provinces. I would like to administer a dual kind of warning. In this connection I wish to warn the Government as well as those who stand for advancing the cause of the money-lenders as a class. To those who represent the creditors in or outside this House I would say that in view of the pitiable plight of the debtors whose all resources have been absolutely depleted the creditors will have to make some sort of sacrifice. The situation has become so critical that they have to effect a change in their methods of business and general outlook.

On the other hand, I warn the Government of the consequences of creating such an atmosphere in the province as is sure to destroy all credit. At present it is acting as the supporter and protector of the debtor class alone. The members of the Government go out inciting the debtors not to pay their debts and creating hatred against the money-lenders, with the result that the credit system has been shaken to its very foundations. I would request them to desist from this practice. The need for credit will always be there. The progress of all industries, big or small, including agriculture, depends on credit system. If you destroy that system it is not the creditors who will suffer most. They have got money and, therefore, they can always pull on somehow or other. But the present activities of the Government will ruin the poor debtors and kisans. The Government cannot supply the necessary credit. Its members want to spend all money on some very different activities. My honourable friend Captain Sodhi Harnam Singh has said in his minute of dissent that the Bill is not likely to serve the purpose in view. He has referred to Bulgaria and other countries where governments have reduced debts to the tune of 70 or 80 per cent. But he has omitted to mention the methods adopted by those governments to achieve this end. Those governments helped the debtors out of the funds created by the exchequers. The loans were paid out of those funds and the debtors paid the amounts due from them to the Government in easy instalments. Thus neither party had any grievance or grouse. But here in this province the Government is out to destroy one class of people without affording any relief to the debtors out of the exchequer.

If the declared policy of the Government were the repudiation of all debts, I could have lent my support to it. But for that purpose it is necessary to remove all differences between the various classes and create a classless society. The Government are doing nothing of the sort. They want to destroy one class of money-lenders for the benefit of another. If they want to destroy the present system of credit by repudiation of debts let them create funds for supplying cheap loans at long and short terms. By destroying the present credit system without making any arrangements for easy credit they are burning candle at both ends.

Now let us consider the present measure in the light of submissions that I have made. The first important thing is the reduction of the rate of

[Ch. Krishna Gopal Dutt.]

interest from $12\frac{1}{2}$ to $7\frac{1}{2}$ per cent. I cannot agree with those who oppose this reduction on the ground that the proposed rate is out of consonance with the existing conditions in the money market. I am not prepared to admit that the credit has become absolutely tight. People have got crores of rupees lying idle with them and if the Government had not created the present unfortunate atmosphere the banks as well as private money-lenders would have been prepared to lend money even at the rate of 6 per cent. I agree with those who assert that but for the state of affairs created by the Government people would have considered it a sacred duty to supply credit to poor kisans. But so far as the rate of interest is concerned I think that $7\frac{1}{2}$ per cent is quite reasonable and perfectly in consonance with the conditions of money market. So this reduction has the fullest support of the Congress party.

But in this connection I want to put a question to the Honourable Minister. The question is whether he wants only to release the debtors from the clutches of a particular class of creditors or whether it is his desire to remove the bitterness and hatred between different sections of people and thus create a healthy atmosphere in the money market as well as in the province in general. It is said that certain ministers have personal grudge against money-lenders. At some stage of their life they were meted out objectionable treatment by certain creditors and their subconscious mind was still smarting under the insult, with the result that now, in order to feed that grudge they are out to destroy not only the money-lenders but even the credit system itself.

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

I do not, therefore, understand why this distinction should at all be made where money-lending system is prevalent. So far as the Imperial Bank and scheduled banks are concerned, may I ask what right they have to suck the blood of poor zamindars? I see no reason why these banks should be given the right to charge higher rate of interest while the money-lenders should be asked specifically not to charge more than $7\frac{1}{2}$ per cent rate of interest. May I know why these banks have been exempted from this restriction? If it is due to anglo-phobia that Government have refrained from placing this restriction of charging $7\frac{1}{2}$ per cent rate of interest on these banks then I must say that it is our bounden duty to protest against this discrimination emphatically. I may point out that this discrimination shows clearly as to who is the actual sympathiser of the poor debtor. I remember when the Bill was introduced the Honourable Premier was pleased to reply to this question saying that the co-operative banks had been exempted because the rate of interest charged by them was already low. I wonder how it lies in the mouth of the Honourable Premier, who claims to have a keen interest in agricultural economics to make such a statement. Sir, if you study the facts and figures and have a look at the statistics you will find that the statement of the Honourable Premier is unfounded and incorrect. Let me in this connection refer to the opinion expressed by my honourable friend Sodhi Harnam Singh. I have myself visited many villages. Almost every zamindar with whom I had an opportunity to talk, told me that money-lenders were not as callous and stonehearted as the co-operative banks. And:

moreover I am told that they charge to the last farthing while realising debts. Generally these co-operative banks sweep away everything, big or small, from the houses of poor zamindars while realising their debts. They do not even spare their animals. When this is the state of affairs cannot we say that these co-operative societies are as callous and harsh in their treatment as a Pathan money-lender? As the co-operative banks, I have already stated, charge interest at the rate of 9, 10, 11 or 12 per cent. I think, it is a very important question and it deserves a thoughtful and dispassionate consideration. It has been said by the Government that their aim by bringing forward this type of legislation is to scale down the debts. I am glad to remark that a good deal of light has been thrown on this point by the select committee. I would also submit that I am not to be accused of disclosing confidential proceedings of the select committee, as I was not a member of that committee. If I make known these facts to the people at large, I am sure, the Government would find itself in a quandary. It has been argued by Government that as the people at the helm of affairs of co-operative societies are agriculturists if they are exempted from this restriction naturally the benefit will go to their kith and kin. But here is a categorical reply from my honourable friend Sodhi Harnam Singh as given by him in the Minute of Dissent. He has said that an agriculturist money-lender is more dangerous than a non-agriculturist money-lender and he states that the agriculturist money-lender is a greater Shylock as compared with the non-agriculturist money-lender. I think it would have been made clear that the Government unfortunately desires to create a new class of agriculturist money-lenders who will not rest with the attachment of the animals of the debtors and will not hesitate in crossing the limits of decency in attaching the debtor's womenfolk. Is this the relief they are going to provide to the poor debtors, under this so-called Relief of Indebtedness Bill? I may also point out that it has been laid down in the aims and objects of this Bill that non-agriculturist zamindars are being crushed under heavy debts. Now, may I ask the Government as to why they are going to strengthen the roots of agriculturist money-lender? I want to have a reply from the Honourable Minister in charge in this connection. Besides, why has this distinction been made between a money-lender and a money-lender? I am at a loss to understand this distinction between a particular money-lending system and another money-lending system. Is it not a pity that the Government should defend co-operative societies by saying that their rate of interest is already low? My submission, therefore, is that there is no clash of interest between an agriculturist and non-agriculturist. The clash is between those who live in palatial buildings and those who rot in slums. The urbanite debtors, may they be agriculturists or non-agriculturists, have common interest. If it had been the intention of Government to curb the activities of agriculturist money-lender we would have certainly co-operated with them in passing this measure. But as no provision has been made in the Bill to this effect a dangerous type of distinction has been made instead. It is, therefore, the duty of the Government to elicit public opinion directly or indirectly as far as this Bill is concerned.

Now, Sir, I want to invite your attention to another distinction that has been made between a bank and a bank. It is very absurd, I would say. The banks started before 1937 have been exempted and those started after 1937

[Chaudhri Krishna Gopal Dutt.]

have not been exempted from the restriction. I ask, is there any uniformity in it? It is nothing but mere absurdity on the part of Government to legislate such a measure. Does it not mean that the Government is withdrawing all facilities from new banking institutes? Do they want to put obstacles in the way of Indian banking so that they may not progress? Do we take it that the Government is refusing to give water to the sappling of new banking?

In the last Simla session of this House, the Honourable Premier was pleased to declare that he was not at all against the money-lenders. He assured the Assembly that he only wanted the money-lenders to reform their methods. He suggested that if they would work on certain improved lines and keep audited accounts like the banks and would form banking companies and limited banks, he would have nothing to say against them. But now when the money-lenders have started to act on his suggestions, he has turned round with this measure in his hand to crush them. He is not prepared now to let them run their business on those very systematic lines on which he wanted them to establish limited banks. He should not trample them under his foot like this. Nay he should not go back upon his own words and solemn assurances. Some of his lawyer friends may supply him with some sort of arguments in favour of this unjustifiable position. Obviously there are several lawyers among his colleagues and followers, prominent among whom are Sir Chhotu Ram and Mir Maqbool Mahmood. But I am sure no amount of legal quibbles will help to justify his going against his own words. All arguments put forward in his support must essentially be based on "zahirdari-o-riakari" (hypocrisy). Conversations with most of the Unionists including their strong henchmen have revealed no arguments to me which I might have considered to be sufficient to justify this measure. Previously the English people used to nip in the bud any bank that Indians would establish in this country. But now it is our own kith and kin that have begun to torpedo our banking system. It was never expected from an Indian democratic government. Huge obstacles are being put in the way of our establishing new banks. Their future growth and development will be hindered by this measure. Our money-lending classes will not be able to evolve any better system of banking in this province.

Another thing which must be noted in this connection is that originally the measure under consideration did not include the non-agriculturist debtors. But an honourable member had subsequently moved a resolution in this House, saying that the properties of those non-agriculturist debtors whose assets do not exceed 5,000 rupees in value should be exempted from attachments by a court, and the Premier also promised to take some appropriate steps in this direction. I think an amendment added in the measure by the select committee is now fulfilling that promise, and that is why non-agriculturist debtors have also been included among those who will be benefited by it. This has been done in the select committee stage. May I ask the Government by the parity of reasoning that if they are anxious to protect non-agriculturists whose assets do not exceed 5,000 rupees in value, why they do not exempt the poor agriculturists with a few acres of land in their possession from the payment of land revenue?

You do not hesitate even to attach all their belongings in order to recover the land revenue. Why don't you take mercy on them? But when they owe a certain sum to some private money-lenders, you begin to be merciful on the debtors. That is not fair. That is not equitable. That is not reasonable. No considerations of uniformity weigh with you. You lose your reason at the very appearance of non-agriculturists. This discrimination must stop. It is strange that when Dr. Sir Gokul Chand Narang gets up to say something against your vagaries, you call him a supporter of the cruel money-lenders. How easily you forget that you people are the worst Shylocks in the Punjab? You do not pity the poor peasants. You do not hesitate to attach the property of a small holder of land who fails to pay his land revenue, and yet you profess profound sympathy for this poverty-stricken class. How is it that you begin to translate this sympathy into action only when private money-lenders are expected to lose and not at the time of realising the Government dues? This discrimination will pull down the fabric of society. The business of money-lending will be ruined.

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

Besides these inconsistencies there is another absurdity in the Bill of which I would like to make mention. I may point out that while discussing this matter with the people I have come across two distinct opinions prevailing among them. One set of people constituting the debtors hold the view that their salvation lies in the enactment of this measure. But in this connection Government must bear in mind that they have to serve several interests. As I have already stated the society consists of two groups and it is the bounden duty of the Government to keep them well poised and balanced. Government cannot side with one party and be antagonistic to the other. They should realise that they cannot pass a sweeping measure in favour of debtors at the cost of money-lending classes. As a matter of fact I would go in for a measure wiping out all the debts, so that there may not remain even one single debtor in the Punjab. I wish that the purchasing power of everybody should be such that none may feel the necessity of taking recourse to raise a loan and thus putting himself under debt. But in order that this state of affairs should prevail among the people, Government will have to make arrangements for providing facilities for advancing short term loans at cheaper rates of interest. Now I come to the second set of people. They are money-lenders. They are of the opinion that this enactment should not be brought on the Statute Book. They say that the Government have already destroyed the credit of agriculturists and now they are bent upon bringing about the ruination of the non-agriculturists by adopting the same tactics. Strictly speaking I have applied my mind to this problem and have endeavoured to find out some *via media* for overcoming this difficulty. That is, the debtor may get relief and at the same time his credit may not be destroyed. After exchange of views I have come to understand that when those non-agriculturists, who possess small houses, desire to start a business or to set up an industry, they acquire the requisite capital on the strength of their property. When they find that they possess no capital and no money-lender or a bank is prepared to advance them any loan on credit basis, they resort to mortgaging their houses in order to tide over the difficulty. Then they run the business and

[Ch. Krishna Gopal Dutt.]

make money to the tune of 100, 200 or 400 rupees per mensem according to their means and thus maintain their families. Now if we enact this measure over the head of these people, we would certainly be doing a disservice to them because we would be closing all doors of capital to them. This is a matter of vital importance and we should not tackle it in a light-hearted manner. We should not proceed with this Bill without eliciting their opinion on it. I agree that in order to make existence easy for the poor debtor we should fix a limit and lay down that if his assets do not exceed the prescribed limit, his property should not be attached. This is my personal opinion. I am not aware how my honourable friends feel about it. After due deliberation I have come to the conclusion and that, too, for the sake of making a compromise, that we should fix this limit at two thousand rupees instead of five thousand as proposed in the Bill. In this connection I may point out that in politics compromise is the most essential thing. We have sometimes to sacrifice our cherished views for the sake of composing our differences. I am, therefore, of the opinion that Government would be well advised to fix this limit at two thousand rupees. But if they accept this principle, they should adhere to it whole-heartedly. It should be specifically laid down, if I may be permitted to repeat it, that if the assets of a debtor, whether agriculturist or otherwise, do not exceed two thousand rupees, his property would not be attachable by anybody, be it Government or private individuals in lieu of the payment of Government dues or debts owed to money-lenders. I think that this arrangement would prove beneficial to all and sundry, otherwise the limit of five thousand rupees would strike at the very root of the credit of non-agriculturists. No bank or money-lender would, in future, advance to them any money for business purposes. In other words this would mean red ruin and extreme privation for them. If my suggestion is accepted by the Government, I may be disposed to forego my demand for circulation. But otherwise I would request the Honourable Minister to circulate the Bill so that we may be able to know the mind of those whom this measure is going to affect adversely. With these words I strongly support the circulation motion.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) (*Urdu*): Sir, when my honourable friend Chaudhri Krishna Gopal Dutt got up to make a speech, he began it in a very suave and pleasant manner. He remarked that as the matter was of vital importance, we should consider it dispassionately. He was also pleased to state that we should refrain from imputing motives or casting aspersions on one another and that neither the members of the Congress party should attack the ministerialists nor should the latter try to discredit the former.

Chaudhri Krishna Gopal Dutt: I did not say that. I said there should be no personal attacks. (*Interruptions.*)

Minister for Development: It is just possible that the words employed by me may not be his but he meant what I have suggested. Let me point out that the lofty principle which he enunciated at the outset of his speech was not adhered to by him. However, I have no desire to dilate on this point any further. I will simply confine myself to the points which he has raised during the course of his speech. But before I do so I should like to bring one thing particularly to the notice of this Honourable House

It has been stated by my honourable friends opposite that the amending Bill, as it has emerged from the select committee, has been radically altered, and is in several respects, entirely a new Bill, and therefore it should be circulated for eliciting public opinion thereon. But let us not forget that the main provisions of the Bill as it has emerged from the select committee have not come up before the public for the first time. They have been before them ever since 1932. Moreover, most of the amendments incorporated in the amending Bill in the beginning or during the select committee have been made as a result of suggestions made by civil courts or chairmen and members of conciliation boards. They pointed out to the Government that during the working of the conciliation boards they had observed certain defects in the Relief of Indebtedness Act. It was, therefore, essential that such defects should be removed. I may inform honourable members that these suggestions were made not only by chairmen of conciliation boards, but also by members, who were non-agriculturists and who represented non-agriculturists on these boards. In the circumstances it is wrong to say that this Bill has been radically altered without the knowledge of the public at large. And for the reason indicated, if the Bill is referred again to the select committee for further consideration, it would be tantamount to wasting the precious time of the House and we should be failing in our duty to do what is absolutely necessary for the good of the province.

Now I may come to the arguments which have been advanced by my honourable friend, Chaudhri Krishna Gopal Dutt and try to refute them one by one. In the first instance he pointed out that although the objective of the Government and for the matter of that the Unionist Party is the same as that of the Congress, yet it has not been attained by the previous Act, nor could it be achieved by the amending Bill now before the House. What is that objective? The objective is that the burden of the poor debtors should be lightened to a reasonable extent. No doubt the Congress and the Punjab Government and for the matter of that the Unionist Party are at one with each other on this point and although the members of the Independent party may differ (*Mian Muhammad Nurullah*: No we don't) yet I believe that they cannot venture to rise up in their seats and say that they are opposed to this objective. However, our object is to provide some relief to the poor by scaling down the burden of their debts to a reasonable limit because their burden has increased to such an extent that they cannot rid themselves of it unless and until a law to this effect is placed on the Statute Book.

Now, what is the best way of attaining that objective. In my view the best way is to put a stop to those harsh and humiliating methods by which the money-lenders realise their outstanding loans. Therefore, there is no alternative open to us for affording effective relief to poor debtors, but to place this law on the Statute Book. The amending Bill has been brought before the House merely to remove the defects which have been found in the working of the Relief of Indebtedness Act. No new principle is involved in it. Only a few alterations are sought to be made in the original Act by means of this Bill with a view to achieve the object for which the Unionist Party stand pledged. The honourable member also stated in the course of his speech that the atmosphere had become tense in the province

[Minister for Development.]

and that a feeling of mutual hatred was prevailing, nay had actually been fomented between sahu-kars on the one hand and debtors on the other. In fact he suggested that on the one hand debtors had been told that money-lenders were their enemies, and on the other it had been brought home to money-lenders that debtors were their enemies and that for the spreading of class hatred the members of the Unionist Party and even Cabinet members were responsible. I repudiate this suggestion with all the emphasis at my command. Never had any honourable member of the Government stated that zamindars were the enemies of the sahu-kars or *vice versa*. The suggestion is baseless. But if on the other hand he only meant to say that there was no conflict between the interests of sahu-kars and zamindars, I beg respectfully to differ from him. Certainly there is a conflict between the interests of zamindars and sahu-kars, and it is as a result of this conflict that the members of the Unionist Party have been forced to bring forward this and similar other measures before the House.

Further, our friend pointed out that the Punjab Government had already enacted many agrarian laws and they might go on enacting similar other laws but that the poor zamindars would never derive any benefit from them and that we were, in fact, ruining them by destroying their credit. To say that these measures have not benefited the zamindars, is to my mind nothing short of showing complete ignorance about the real state of affairs. Now in order to judge whether debtors have really obtained any relief by virtue of the agrarian measures or not it would be well for us to go and ask the parties concerned. I advise him to go round and ask debtors and sahu-kars whether debtors have got any relief or not. I well remember the fact that once when agrarian laws had not yet been enacted I happened to visit the Rohtak district jail and I found that 66 debtors were imprisoned there. Only a few weeks after the enactment of these measures I was informed that there were only two such prisoners in the said jail. In view of these hard facts it is absurd to suggest that the poor debtors have not benefited by the enactment of these measures. The truth is that they have obtained great relief by virtue of the Relief of Indebtedness Act and other agrarian measures enacted by us and that is the reason why their representatives are helping the Unionist Party to enact the measure now before the House.

Now coming to the question of the destruction of debtors' credit, no one can say that their credit has been totally destroyed, but I am ready to concede that as compared with the past their credit has suffered. There is no doubt about it. But we fully expected this result as a natural corollary to the enactment of these measures. However I may inform honourable members that in enacting them we have had a conscious desire that the credit of zamindars should be restricted because up till now the greatest known enemy of the zamindar has been his excessive credit. It has been pointed out by Sir Malcolm Darling in his famous book so frequently quoted by my honourable friends opposite that so long as the excessive credit enjoyed by the zamindar remains unabated nobody can save him from the evil of indebtedness. Consequently while it is correct to say that the credit of the zamindar has been restricted to some extent, even to a substantial extent it cannot be denied that this restriction will only help in rescuing the

zamindar from the clutches of the money-lender who has been sucking his blood for generations.

The next point raised by my honourable friend Chaudhri Krishna Gopal Dutt was as to why the Government did not pay off all the debts of zamindars out of its own exchequer and thus relieve the poor debtors for ever. He added that this method had been adopted by some countries. I do not know whether this has been done in other countries or not but of this much I am certain that it cannot be done in the Punjab. There are a good many practical difficulties that stand in the way of such a course. For instance, if once the money-lenders are given to understand that the Government intends to pay off all debts they will lose no time in fraudulently showing a debt of say Rs. 100 as that of Rs. 1,000. Moreover the revenues out of which these debts will be paid have been almost exclusively contributed by the zamindars themselves which means that their own money will be used in paying off their debts, and the burden would fall on those very people whom the Government wants to relieve. Again, if the Provincial Exchequer is burdened to that extent, the next difficulty which the Government would have to face is that they will have to stop their road programme, close down schools and hospitals, reduce the strength of the police and retrench many other departments. But the administrative requirements will force the Government to impose new taxes which under the present fiscal structure would again have to be levied on the zamindars. You probably remember, Sir, that in 1924, by a single executive order the burden of abiana on the zamindars was increased by 75 lakhs. But if, on the other hand, a single pice is levied, by way of tax, on my honourable friends opposite, it has to be done by legislation which will give rise to a storm of agitation throughout the province in which the opposition leads.

If the Government were to accept the suggestions made by my honourable friend they would naturally have to make up the deficiency in their revenues by fresh taxation, which in turn would, necessarily be imposed to a large extent on the zamindars. It is, therefore, in my opinion, a suggestion which no sane person would think of making to Government.

My honourable friend Chaudhri Krishna Gopal Dutt also remarked, "Let the Government turn a deaf ear to everyone. Let them not hear what the Congress says. They are at liberty to pay no heed to what the Independent party says, but they must at least lend their ears to what Sodhi Harnam Singh, a member of their own party says." Let me inform the honourable member that there are many things contained in the minute of dissent appended by Captain Sodhi Harnam Singh which are not acceptable to the Government.

This Government is not the representative of a single class or of only one section of the population of this province, as my honourable friend Chaudhri Krishna Gopal Dutt himself observed, but it has to look after the interests of all classes and communities in the Punjab. What my honourable friend Sodhi Harnam Singh has stated represents a very narrow view-point. May be, he really feels for the debtors who may have put their case before him and therefore he has in all sincerity made those suggestions for the benefit of a certain section of the population in utter disregard of the interests of money-lenders. The Government, however, cannot agree to sacrifice the interests of other classes by accepting his suggestions.

[Minister for Development.]

Again, my honourable friend, Chaudhri Krishna Gopal Dutt stated that he was deadly against capitalism and was anxious to destroy it with a single stroke of the pen, and he wanted to know why the Unionist Government did not end capitalism at once. May I inform him that although many things in the Government's programme have a tinge of socialism about them yet Government has never subscribed to the view of putting an end to capitalism. It is no doubt true that Government desire to relieve capitalism of some of its ugly aspects and to put an end to capitalistic activities and desire to end all unjust exploitation by capitalists. The Opposition complain that the Unionist Government have so far taken no step towards this end, but whenever even a modest effort is made, my honourable friends of the Opposition raise a storm of protest that the Government is trying to crush money-lenders and instead of congratulating us, pour abuses and ridicule on us. When the Congress Party becomes so upset even over limited attempts to check the rapacity of moneyed interests with what face can they blame us for not being whole-hoggers in the way of destroying capitalism ?

Chaudhri Krishna Gopal Dutt : That is a misrepresentation.

Minister for Development : The truth is that the special situation in which our friends of the Congress Party find themselves compels them to be inconsistent on their part. On the one hand they own allegiance to the Congress and have thus to profess a little hatred for capitalism and on the other their upbringing, education and their close relationship and affinity to money-lending classes compel them to throw their weight against any efforts that the Government might make to mitigate the ravages of capitalism. The honourable spokesman of the Congress is thus forced to say what he had said to-day and has said even on previous occasions. His association with the Congress whose principles are similar to our own makes it obligatory on him to condemn capitalism, at least, in theory. But in reality his inner sympathies are with capitalists.

Then my honourable friend said that it was unjust on the part of the Government to make a distinction between agriculturist money-lenders and non-agriculturist money-lenders. Let me make it clear to the House that the insinuation is wholly incorrect. No such distinction is being made by the Government. All money-lenders be they agriculturist money-lenders or non-agriculturist money-lenders, are in the same boat. If anything, the law is more harsh to the agriculturist money-lenders. The only difference is that the agriculturist money-lenders, by virtue of their having been brought up in the same atmosphere as myself or many of my friends on these benches, have not uttered a single word of complaint against this legislation, (*Chaudhri Krishna Gopal Dutt :* This is wrong) whereas my honourable friend has, in spite of his allegiance to the Congress, raised a great hue and cry.

I hope my honourable friend is aware of the fact that we passed a measure according to which no agriculturist creditor could in his own name or in the name of the male descendants of his grandfather or their wives, take over in contravention of the Alienation Act land belonging to agriculturist debtors, the male descendants of the debtors or their wives.

Chaudhri Krishna Gopal Dutt : Ask Sodhi Harnam Singh.

Minister for Development : I have already replied to the points raised by my honourable friend Sodhi Harnam Singh.

Another objection raised by my honourable friend opposite is that under the present measure discriminating treatment has been sought to be meted out to banking companies and private money-lenders. What he means to say is that the Imperial Bank, banking companies and co-operative credit societies and private money-lenders are not subject to identical maximum rates of interest on the loans advanced by them. The reason for exempting these two institutions from the operation of the provisions of this Bill is that they do not transact money-lending business with those poor and credulous people who can be and are actually ruined by money-lenders tampering with accounts by resorting to malpractices and by exploiting their ignorance. Moreover, this decision was reached as a result of the suggestion of certain honourable members of the Opposition who urged that the Government should refrain from roping in banks which lend to businessmen.

Now, Sir, my honourable friend Chaudhri Krishna Gopal Dutt has been pleased to remark that the speeches which I often make in select committees or in the House about recovery of debts by Co-operative Societies are of such a fiery nature that if I deliver them in public meetings they are sure to raise such a storm of indignation that they will shorten the life of the present ministry and bring it to an ignoble end within a period of 2 or 3 months. May I inform my honourable friends that the views which I am going to express here on the subject under discussion would be the same as I often express outside the House. In fact I express these views with more vehemence and greater emphasis. It is a matter of satisfaction that the section of the public which we seek to serve by this legislation knows full well that we sincerely and honestly desire—the amelioration of their condition. That is our conviction and no amount of opposition on the part of our adversaries can deter me from giving frank expression to my views inside or outside the House. I am not like those whose actions do not coincide with the words they utter. Whatever I feel in my heart of hearts I express freely and wherever I go I say exactly what I say here. Let the Opposition understand clearly that I am not afraid of anybody. I have delivered speeches on the subject at Gurgaon, Karnal, Rohtak, Ambala, Jhelum, Hoshiarpur, and other places. In short wherever I have gone I have made it absolutely clear why we lay down a separate principle for co-operative credit societies. But let me point out that so far as execution of decrees is concerned the law is the same for all. It equally applies to the Imperial Bank, co-operative societies and private money-lenders. No differential treatment is permissible to co-operative societies in this respect. They are all of them on the same footing. (*An honourable member :* It is all bosh.) My friend says “it is all bosh”. But who is to blame if he has not cared to go through the Bill? The difficulty is that he has neither read it nor tried to understand the implications of its various provisions. Indeed whatever is stated from the treasury benches sounds absurd to our learned friends opposite and whatever is uttered by the so-called nationalists like Chaudhri Krishna Gopal Dutt is held as a divine message.

[Minister for Development.]

They ask us as to why private sahkars and co-operative societies have been treated differently, but they do not realize the fact that the earnings of these societies are a social capital. It is an income which the whole society can make use of. It does not go into the pockets of a private individual. Similarly, the co-operative credit societies manage to utilize their capital and reserve for the benefit of the agricultural community. With an increased reserve at their back they can afford to reduce their rates of interest to 6, 4 or even to 3 per cent per annum. There are several credit unions in the Punjab which pay interest at the rate of 2, $1\frac{1}{2}$ or $1\frac{1}{2}$ per cent per annum on amounts deposited with them. Their coffers are now so full that sometimes they refuse to accept further deposits. Under these circumstances, they can afford to advance loans at a much lower rate of interest. At the time of every harvest they realise something from the debtor only to cover their cost of management and do not harass him further. Thus whatever these societies receive does not find its way into the coffers of bania but becomes a part and parcel of the social wealth. It only constitutes the assets of the society of which the debtors themselves are members and thus equally benefits the debtor and creditor. Besides, these societies work under the strict supervision of Government officials and periodical inspections and audit of the accounts are the most striking features of official supervision. Here it is practically impossible to write 50 instead of 5 as it is usually done by dishonest money-lenders.

Again, Sir, my honourable friends perhaps do not know that the rate of interest charged by co-operative societies can be easily scaled down. The rate of interest charged by these societies has already been reduced from a maximum of $12\frac{1}{2}$ per cent to $9\frac{3}{4}$ per cent. Further this is the general maximum reduction that has been effected. In case of these societies it is open to Government officials to reduce the rate of interest at any time and to any extent they choose. Here they need not consult any mahajan or sahkari in the matter. Whenever it is found necessary to change the prevailing rate of interest the officials of the department and the representatives of the movement join heads together and after a careful and thorough consideration can reduce the rate to any extent. Just ask a decree-holder to remit even a single penny and you will see how he rebels against it. But in the case of co-operative societies rate of interest can be reduced at the slightest suggestion of Government officials. Another important feature of this system of credit is that with every increase in the amount of capital and reserve of a particular society a corresponding decrease is effected in the rate of interest charged on amounts advanced to individual debtor. My friends opposite will be, I am sure, surprised to hear that instructions have been issued to certain societies for writing off large portions of debts advanced by them. In a number of cases they have been directed to write off capital to the extent of Rs. 300 if a debtor manages to pay even Rs. 100. In other words credit is given for Rs. 300 for every Rs. 100 paid by a debtor. (*Interruption.*) Is it that my honourable friends have not grasped my idea?

Premier : You may repeat it. But take it for granted that they are unable to understand you.

Minister for Development : The management of the co-operative societies is in the hands of debtors and their representatives. The fact which I want to bring home to honourable member is that we are giving every possible facility to debtors for the payment of debts. Suppose the principal is Rs. 800 and the interest is Rs. 400. The crops are not good and the market is depressed. The poor debtor is facing very hard days. In order to ameliorate his condition and help him in paying off his debt we give him remarkable concessions. Under such conditions if he pays Rs. 100 an amount of Rs. 300 will be credited to his account.

Rai Bahadur Mr. Mukand Lal Puri : But the total liability would be principal plus interest.

Minister for Development : No, if he pays Rs. 100 in cash Rs. 300 will be credited towards principal.

Rai Bahadur Mr. Mukand Lal Puri : But the interest is not wiped out. (*Interruptions.*)

Mr. Speaker : No interruptions please. The Honourable Minister may proceed with his speech.

Minister for Development : My friends in the opposite benches understand well enough what I say, but they feign ignorance because this arrangement of things does not suit them. I was just giving an illustration that if a man owes Rs. 800—

Master Kabul Singh : Does this rule apply throughout the province or only to a particular society?

Minister for Development : Every district, tahsil and society has a different practice to suit its own special circumstances. If Master Kabul Singh's debtor pays him Rs. 100 Master Sahib will credit the exact amount of Rs. 100. But the Government have gone a long way ahead. If the Government find debtors are unable to pay sixteen annas in the rupee varying proportions of their debts will be remitted according to the special circumstances of each case. I was only giving an illustration to explain the practice. If the principal is Rs. 800 and the interest is Rs. 400 the total will be Rs. 1,200. In such a case if the debtor pays Rs. 100 in cash or in kind he will be deemed to have paid Rs. 300 towards the principal. Thus the remaining debt will be Rs. 500. The honourable members have interrupted me repeatedly on this point. I repeat that a society for a payment of Rs. 100 will give credit for Rs. 300 and this too not towards the interest, but towards the principal.

Lala Sita Ram : May I ask a question through you, Sir? Will that amount be considered to have been paid as a part of the principal of Rs. 800 or will it be counted as a partial payment of the interest amounting to Rs. 400?

Minister for Development : That amount will be considered to have been paid towards the principal of Rs. 800. The remaining debt will be Rs. 500.

Lala Sita Ram : But my submission is that it is done by all lenders when they know that the debtor is unable to pay the balance. They credit—

Mr. Speaker : The honourable member cannot make a speech. He asked a question and got its answer.

Rai Bahadur Mr. Mukand Lal Puri : What is the balance, Rs. 500 or Rs. 800 ?

Minister for Development : It does not seem easy for the honourable member to conceive such a generosity although I have made it as clear as day light. I have already said that if the debtor pays Rs. 300 he receives credit for Rs. 300 towards the principal. The amount of the balance will be Rs. 500. My honourable friends are sceptical as to how the amount of the interest will be realised. I must enlighten them that the co-operative societies do not charge any interest in certain cases. The Government have been constrained to adopt this policy in view of the accumulated arrears in the province.

With regard to those dishonest debtors, however, who have the means to pay their liabilities and still evade it, I have made it clear to all concerned in my public speeches that the machinery of law will be moved against them with full force. Such dishonest persons do not deserve any protection under this legislation. They must be dealt with severely. I am making this statement publicly, without any reservation because I am conscious of the confidence which the public has in the good faith of Government.

Sir, the honourable members opposite have stated time and again that our co-operative banks deal with the debtors more harshly than professional money-lenders. This is a false allegation which has not the least shadow of truth in it. May I ask my critics whether they really feel that the poor agriculturists think alike with them and prefer money-lenders to co-operative banks ?

Replying to a question in this House I stated that the officials of the co-operative banks had been instructed by me not to resort to coercive methods in the case of debtors who are not in a position to pay. But this does not mean that dishonest debtors who can but will not pay should receive a lenient treatment. My friends on the opposite benches should not allow themselves to believe that the Government are sleeping over the matter. We are fully alive to the problem and are applying a reasonable method to its solution. The protection of the law while allowed in full measure in suitable cases cannot be extended to all. No dishonest debtor will be allowed to cheat the community and escape payment. My friends who often make speeches in public meetings outside this chamber are free to quote my words and refer to the speech I am making in this House at the present moment.

Now I come to another objection raised by my honourable friend sitting quite opposite to me. He said that the Government were afraid to take any disciplinary measures against the Imperial Bank of India because it was an English concern. This is a pure illusion. I am not very much concerned with banks but I have often come across notices in the press that a much larger number of shares of the Reserve Bank than is desirable have been purchased by Chetties, Khojas and Memons, not Englishmen. (*Hear, hear.*) In any case English and Indian banks are on the same level with me. I do not give English banks any priority or superiority over Indian concerns.

Yet another objection raised by my honourable friend is that we have, during the select committee stage, incorporated an amendment to the effect that all those banks which come into existence after 1937 should be brought under the purview of this Bill. My learned friend thinks we have done so in order to hinder the growth and development of banking business in the Punjab. Let me hasten to remove this misunderstanding. My honourable friend Chaudhri Krishna Gopal Dutt should know that he cannot claim a monopoly of patriotism and honesty of purpose in this world. The reasons why we have brought certain banks established after 1937 under the purview of this Bill is that some money-lenders have joined together to form a bank in order to realise old debts at the old rates of interest. For instance, a father and his sons have formed a bank in consultation with lawyers to evade the provisions of the debt legislation. (*Interruption by Chaudhri Krishna Gopal Dutt.*) Please do not be so restive at the disclosure of truth. If money-lenders continue their business honestly and truthfully, we do not touch them. But they have adopted underhand methods of buying the old debts of the agriculturists and of forming themselves into banks in order to get exemption from the operation of the Relief of Indebtedness Act. A few such banks are stated to have been established in the Mianwali district. Complaints are pouring in from several quarters in this connection. (*Dr. Sir Gokul Chand Narang*: How many such banks have been established?) I do not know their exact number but complaints received are numerous. It is in order to check this that we have incorporated this amendment. My honourable friend Chaudhri Krishna Gopal Dutt has also complained that originally the Bill did not intend to bring non-agriculturist debtors within its purview. I may inform him that even in the old Relief of Indebtedness Bill, we included non-agricultural debtors but influential leaders including Rai Bahadur Mukand Lal Puri represented to His Excellency the Governor of the Punjab that the Unionist Party was at liberty to destroy the credit of the agriculturists, if it liked, but it had no business to rope in non-agriculturists along with the agriculturists. That is why non-agriculturists were excluded, otherwise we had proposed a comprehensive measure and we were prepared to extend the same protection to non-agricultural debtors as was extended to agriculturists. It was at the instance of non-agriculturists themselves that a distinction was drawn between them and the agriculturists, and even then the distinction was allowed to operate only in respect of certain portions of that Bill, such as the one relating to conciliation boards only. We have always tried to save poor debtors from the clutches of the greedy Shylocks who even after having received four rupees for one must insist upon recovering ten rupees more.

What the Unionist Ministry has achieved within three years cannot be achieved by others even in twenty years. The protection that we are now offering to the non-agriculturist debtors with assets not exceeding five thousand rupees was denied to them in 1934 only out of deference for Raja Narendra Nath. That was a weakness on our part. There is no harm if we now make amends for that.

There is yet another point which Chaudhri Krishna Gopal Dutt raised against the Bill. He observed that the Government showed no mercy to the cultivator who was unable to pay his land revenue and attached his land, bullocks and everything for the recovery of arrears and even sent him

[Minister for Development.]

to the lock-up, but that when a private money-lender had to recover his dues, the Government deprived him of every chance of effecting any recovery. I have a twofold reply to this. The first reply that I propose to give, will be given in my personal capacity. Who were those law makers who were responsible for the harsh laws to which my honourable friend was referring? They were not zamindars. They were either the Britishers or gentlemen belonging to the class of honourable member who misguided the unsuspecting Britishers at the time when these laws were made. They were non-agriculturists—Kaisthas, Brahmins, Khatris, not Jats or Rajputs or Arains. (*Interruptions.*) It is very difficult to satisfy my honourable friend. Let me tell him the fundamental difference between the collection of Government taxes and the realisation of private debts. In the first place Government money does not belong to a single individual but it belongs to the community or samaj. Secondly he must bear in mind that the realisation of Government dues is extremely necessary in order to keep intact the fabric of society or samaj as my honourable friend himself advocated. (*Hear, hear.*) I, therefore, maintain that if in the realisation of Government dues certain stringent measures are adopted, there is no unfairness or injustice involved in it. Let us remember that private individuals' dues can bear no comparison with Government taxes.

Then my honourable friend suggested that all the debts should be wiped off with one stroke of the pen. He should not lose sight of the fact that this evil of indebtedness has been in existence for centuries. It cannot be eradicated in a twinkling of the eye. It will take time to exterminate it. However, we are making endeavours to achieve this object by gradual stages. But it is a thousand pities that when we direct our efforts to save the poor from the exploitation of the money-lending classes, a great hue and cry is raised by my honourable friends opposite. Again, if a measure is brought forward by Government with a view to affording protection to helpless factory labourers from the tyranny of factory owners, my honourable friend, Chaudhri Krishna Gopal Dutt, and men of his ilk get infuriated and oppose it tooth and nail. In abstract theory they champion the cause of the poor but at the time of practical help, i.e., when a measure is brought on the legislative anvil, their sympathy evaporates and they veer round to the side of the exploiters.

I may point out that the measure under discussion is another attempt to afford relief to the poor debtors. We should be grateful to our Congress friends if they co-operate with us in passing this Bill into law. But if they refuse to extend a helping hand, then we can only feel sorry for their callous attitude. They must bear in mind that they would be thus bringing the fair name of the Congress into disrepute. I am fully aware that there are Congressites who sincerely feel for the poor and want to render every assistance to them. But the difficulty is that in the case of an overwhelming majority of Congress men their capitalistic mentality stands in their way. Lastly, I assert with fullest confidence that there is absolutely no necessity for referring this Bill again to a select committee or circulating it for eliciting public opinion. I am clearly of the opinion that the sooner it is enacted the better. I feel that we shall be doing an act of *sauwab* by passing this legislation. Any delay as is contemplated by the dilatory tactics adopted

by the Opposition would prove detrimental to the best interests of the people. Let me also suggest that we are all, including myself and my Congressite capitalist friends, answerable to God Almighty and we shall be guilty of a great sin if we cause any unnecessary delay in bringing this measure on the statute book. (*Cheers.*)

Dr. Sant Ram Seth : Mr. Speaker, with your permission I want to enquire from the Honourable Minister for Development as to what is the standard of capitalism according to his conception.

Premier : My honourable friend. (*Laughter.*)

Minister for Development : I consider my honourable friend as a living and moving standard of capitalism. (*Renewed laughter.*)

Dr. Sant Ram Seth : Not you drawing Rs. 3,500 per month?

(*At this stage several honourable members moved for closure.*)

Mr. Speaker : The question is—

That the question be now put.

(*While the division bell was ringing.*)

Lala Duni Chand : I want to know one thing. Can a member who has a circulation motion in his name be deprived of the right of speech? I am one of those who have the circulation motion on the agenda.

Mr. Speaker : Does the honourable member mean that if 60 or 70 honourable members of this House give notices of the same motion, every one of them should be given an opportunity to speak?

Diwan Chaman Lall : What you have to see is the interests of the minorities whether they have been properly represented or not when a closure is moved.

Mr. Speaker : I always see that the rights of minority do not suffer. The question is—

That the question be now put.

The Assembly divided : Ayes 74, 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, Chaudhri.
Akbar Ali, Pir.
Allah Bakhsh Khan, Khan Bahadur Nawab Malik.
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 Khan, Rai.
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 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.
 Harnam Singh, Captain Sodhi.
 Het Ram, Rai Sahib Chaudhri.
 Indar Singh, Sardar.
 Jafar Ali Khan, M.
 Jogindar Singh Man, Sardar.
 Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
 Kishan Das, Seth.
 Manohar Lal, The Honourable Mr.
 Maqbool Mahmood, Mir.
 Mubarak Ali Shah, Sayed.
 Muhammad Akram Khan, Khan Bahadur Raja.
 Muhammad Amin, Khan Sahib Shaikh.
 Muhammad Ashraf, Chaudhri.
 Muhammad Azam Khan, Sardar.
 Muhammad Faiyaz Ali Khan, Nawabzada.
 Muhammad Sarfraz Khan, Chaudhri.
 Muhammad Shafi Ali Khan, Khan Sahib Chaudhri.

Muhammad Yasin Khan, Chaudhri.
 Muhammad Yusuf Khan, Khan.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Muzaffar Khan, Khan Bahadur Nawab.
 Nasir-ud-Din, Chaudhri.
 Nasrullah Khan, Rana.
 Nawazish Ali Shah, Sayed.
 Pir Muhammad, Khan Sahib Chaudhri.
 Pohop Singh, Rao.
 Prem Singh, Chaudhri.
 Ranpat Singh, Chaudhri.
 Rashida Latif Baji, Begum.
 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.
 Sikander Hyat-Khan, The Honourable Major Sir.
 Singha, Diwan Bahadur S. P.
 Sumer Singh, Chaudhri.
 Sunder 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 Choda, Lala.
 Chaman Lall, Diwan.
 Chanan Singh, Sardar.
 Dev Raj Sethi, Mr.
 Duni Chand, Lala.
 Gokul Chand Narang, Dr. Sir.
 Gopal Das, Rai Bahadur Lala.
 Hari Singh, Sardar.
 Harjab Singh, Sardar.
 Jugal Kishore, Chaudhri.
 Kabul Singh, Master.
 Kartar Singh, Sardar.

Kishan Singh, Sardar.
 Krishna Gopal Dutt, Chaudhri.
 Lal Singh, Sardar.
 Mula Singh, Sardar.
 Muni Lal Kalra, Pandit.
 Rur Singh, Sardar.
 Sampuran Singh, Sardar.
 Santokh Singh, Sardar Sahib Sardar.
 Sant Ram Seth, Dr.
 Shri Ram Sharma, Pandit.
 Sita Ram, Lala.
 Sohan Singh Josh, Sardar.
 Sudarshan, Seth.

Lala Duni Chand : I want to know whether the member in whose name the recommittal motion stands has any right to speak or not.

Mr. Speaker : All the three motions, namely, the motion for consideration, the motion for circulation and the motion for reference to select committee, were simultaneously under discussion.

Lala Duni Chand : I accept that. But I wish to point out that the member who has got the recommittal motion in his name, has got a right to speak.

Mr. Speaker : If the honourable member wishes his recommittal motion to be voted upon, he can move it ; but without making any speech.

Lala Duni Chand : I will move it only in case I am allowed to speak. Otherwise as a protest I refuse to move it. I want to know whether there is any rule under which I am not allowed to speak. This is a very important matter.

Mr. Speaker : Every matter is important in this House.

Lala Duni Chand : Some are more important than others.

Mr. Speaker : When three motions have been discussed together everyone of them can be moved separately but without any speech.

Lala Duni Chand : Is there any rule under which you are giving this ruling ?

Mr. Speaker : Please refer to my previous rulings. This has been the practice of this House.

Lala Duni Chand : You should have given notice beforehand.

Seth Sudarshan : You did not make that announcement in the beginning when the discussion started.

Mr. Speaker : I think I did ; but even if I did not, this is the practice that we have been following in every case.

Lala Duni Chand : If that practice had been followed, you should have kindly allowed those members, in whose name the motions stand, to speak.

Mr. Speaker : Either they did not rise or they did not catch my eye.

Lala Duni Chand : I was getting up each time.

Mr. Speaker : Then the honourable member did not catch my eye.

The question is—

That the Punjab Relief of Indebtedness (Amendment) Bill as reported on by the select committee be circulated for the purpose of eliciting opinion thereon by the 30th April, 1940.

The motion was lost.

Mr. Speaker : The motion for re committal to select committee stands in the name of three honourable members, Mr. and Mrs. Duni Chand, and Captain Sodhi Harnam Singh.

Lala Duni Chand : I submit that notwithstanding that I got up several times I was not allowed to speak.

Mr. Speaker : I am not bound to call everybody. Does the honourable member want to move his amendment or not ?

Lala Duni Chand : I do not want to move it as a matter of protest.

Mr. Speaker : Question is—

That the Punjab Relief of Indebtedness (Amendment) Bill as reported on by the select committee be taken into consideration.

The motion was carried.

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

Preamble.

Mr. Speaker : Question is—

That the preamble be the Preamble of the Bill.

The motion was carried.

Clause 1.

Mr. Speaker : Question is—

That clause 1 stand part of the Bill.

The motion was carried.

Clause 2.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : Sir, I beg to move—

That in the proposed clause (1) of part (b), lines 2—5, the words 'a Court of Insolvency.....Insolvency Act, 1920; and' be deleted.

You would be pleased to observe that the word 'court' was not defined in the old Act and in the Bill as presented no definition of the word 'court' was proposed. Therefore this certainly was not one of the amendment or changes which had been recommended to the Government or brought to its notice by any of the officers or boards who may have pointed out the defects in the working of the Act. Evidently this was taken up in the select committee. I find that the introduction of the words 'Insolvency Court and the receiver and the arbitrator' in the definition of court would create complications and would not necessarily be to the benefit either of the debtor or of the creditor. You know that the Indebtedness Relief Act contains a definite part dealing with insolvency procedure. Part II of the Punjab Relief of Indebtedness Act, 1934, amended the insolvency procedure so as to make a liquidation of the debts of poor people possible and to afford that facility section 3 laid down that any person whose debts amounted to Rs. 250 could apply to the insolvency court and section 4 laid down that if his debts do not exceed Rs. 2,000 he can apply and without there being publication in the gazette, he could get a discharge within six months, and the complicated procedure of proving of debts, realization of assets and the appointment of a receiver was not to be gone through. Within six months he could get his discharge. Supposing a debtor has actually applied under the procedure to the insolvency court, within six months of this all his debts would be wiped out and he would be able to start anew, but supposing that a

creditor goes and puts in an application before the conciliation board, what happens then? Under section 25 of the Indebtedness Relief Act all these proceedings are stayed and this debtor to whom the advantages of the simplified insolvency procedure under the Punjab Relief of Indebtedness Act, 1934, were given is deprived of these privileges. Kindly note that this insolvency procedure is certainly definitely more advantageous to the debtor than any procedure before the conciliation board. A man owes Rs. 300 and the conciliation board says 'we scale down the debt to Rs. 150 but insist upon his paying at the rate of Rs. 2 per month or Rs. 50 per six months'. This man although possessed of no property will have to go on paying for two or three years as decreed by the conciliation board. In most of such cases debtor owns no property, he does not own even a house and owns perhaps only moveable property worth 6 or 7 rupees. Within six months he is discharged and his debt wiped off and he is allowed to resume his normal business. This is not what any debt conciliation board is going to do for him.

Again leave aside these petty cases of insolvency where the assets of the insolvent do not exceed Rs. 2,000. What happens with respect to bigger insolvents? An insolvency petition can only be given either by a debtor or by a creditor. Now suppose a debtor gives an insolvency petition. Do you by including 'insolvency court' within the definition of a 'court' intend to prevent debtors who want the assistance of insolvency courts from continuing to enjoy that protection. To obstruct a debtor and to deprive him of this privilege, all that a creditor has to do is to put in a petition before a conciliation board and *ipso facto* the proceedings taken by the debtor seeking the aid of the insolvency court are stopped. It may be that the insolvency proceedings have proceeded for six months, the debtor has been released from prison, his property has already been taken over by the official receiver; but the moment the creditor goes to a conciliation board, the proceedings in the insolvency court come to a standstill. As I have said, the aid of the conciliation boards can be invoked either by a debtor or by a creditor. If it is invoked by a creditor, you will understand that it must definitely be to the detriment of the debtor, because he has gone to insolvency court, because he finds himself safer in the insolvency court. Similarly proceedings in insolvency at howsoever late a stage can be stayed by a debtor, by merely putting in a petition to Debt Conciliation Board. Therefore I submit that this provision is neither in the interest of the debtor nor of the creditor. The only result of this provision will be to supersede the machinery and jurisdiction of insolvency courts and upset their work.

It is sometimes supposed that debtors are better off before a conciliation board than before an insolvency court. That is not at all correct. The insolvency court under the law is not allowed to touch any portion of the property which an executing court or the conciliation board cannot. Supposing a person owning 10 bighas of agricultural land goes to an insolvency court. The insolvency court has no more power to deal with this land than an executing court or the conciliation board. The insolvency court can lease that land only after reserving some portion for the maintenance of the debtor and his family. Therefore by bringing the insolvency court and the official receiver under the definition of a court, you are only upsetting

[R. B. Mukand Lal Puri.]

the work of the civil courts. Why do you wish to stay the proceedings of an insolvency court when once they have been started? It may be that insolvency proceedings may have gone on for two years and during those two years not only the debtor may have been adjudged insolvent, and may have had the stigma of insolvency attached to him but also all his property may have gone into the hands of the official receiver under section 28 (2) of the Act, and most of it sold and transferred to purchasers. The House is well aware that as soon as an applicant is adjudged an insolvent all his property vests in the official receiver. But once you bring the insolvency courts under the definition of a court for the purpose of the Relief of Indebtedness Act, you allow the recalcitrant persons to stop all proceedings in the insolvency courts and the work that may have been done for two years or more is entirely wasted. I do not see how this will help the debtors. If you think that upsetting the work of these courts will help the debtors, you are welcome to undertake a risk of that sort. But I do not see any reason or justice for a proposal of that type. I may say that in the select committee no reason was given for this amendment. Unfortunately the word 'court' even without this inclusion has been variously interpreted by the various high courts. All the high courts except the Punjab have interpreted the word 'court' as used in their Relief of Indebtedness Acts not to include insolvency courts. But our High Court has interpreted it to include insolvency courts up to the stage of adjudication. That is, if the adjudication has not actually taken place, then it comes under the definition of the word 'court'. The expression 'civil court' is a wide enough expression. I think that the definition of a court as proposed by the select committee only makes confusion worse confounded. You, Mr. Speaker, are an old and able lawyer and you know what happens when A, a debtor, puts in an application; or let us assume a creditor puts an application in an insolvency court against A and that by an order of that court the debtor A is adjudged insolvent. Under the insolvency law all the property of the debtor passes into the hands of the receiver, that is, the debtor is divested of all his property and the property vests in the receiver. Now, when this takes place, is it possible for any person to invoke the assistance of the conciliation board? Supposing an application is put before a conciliation board either by the creditor or by the debtor. The debtor has not got the property. It is in the possession of a third party for distribution amongst creditors. The conciliation board will not be able to deal with the property which is so vested in the receiver. So, a difficulty will be created, in this case especially when you are including the receiver also within the definition of a court. Therefore I think it is entirely unnecessary and is not calculated in any way to give further relief to the debtor. It would make confusion worse confounded and what is worse it will allow the work of courts which may have gone on for several years being stopped indefinitely without their being any power left to the conciliation board to deal with the property which is in the possession of a third party.

Mr. Speaker : There are several amendments to this sub-clause, suggesting the deletion of certain words; one of them suggests the deletion of the words commencing with 'a court of insolvency', another commencing with the words 'a receiver' and the third commencing with the words

‘and an arbitrator’. I shall, therefore, propose the amendment as follows :—

Clause under consideration, amendment moved—

That in line 2 in the proposed clause (1) of part (b), the words ‘a court of Insolvency’ be deleted.

I may suggest that all members who have given notices of amendments for the deletion of the words, I have referred to, may participate in the debate even now. If necessary, their amendments will be moved without any speech and put to vote.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir I am afraid my honourable friend opposite has unnecessarily laboured the point that if we include insolvency courts some of the debtors will probably be put to a great deal of inconvenience. It may or may not be true, but let me tell him why we did include these two or three categories in the definition of “court” or “civil court”. My honourable friend is aware that there was no definition of “court” or “civil court” in the original Act. We have now had to put in this definition for the simple reason that certain decisions were given by the courts, and one or two rulings of the high court were to the effect that, if an official receiver were appointed by a civil court, the various restrictions and limitations, which this Act imposes on civil courts, would no longer apply to the actions of an official receiver. In other words, the convenience which we wanted to provide under the Act and the protection which we wanted to provide to the debtors were by one stroke of the pen reduced to nothing. The civil court may, by passing an order and appointing a receiver, take away all the benefits which we wanted to give to the debtor. It is for these reasons that we have introduced these three categories which you now find in this Bill. So far as the question of insolvency courts is concerned, they are exactly in the same position as any other court. They can also appoint an official receiver. We wanted to include this category also so that nobody can turn round to-morrow, as they did in connection with another Act which we passed, I think, a few years back in Simla and say that, since this is not specifically mentioned, therefore it is not included. My honourable friend has himself pointed out that, unless it is specifically mentioned, it would be excluded. We have taken the precaution of including an insolvency court and also an official receiver, and have also taken the further precaution of including an arbitrator, which was not included in the original Act. The court may accept the arbitration of an arbitrator, and under the existing law it may well be contended that since it is the act of an arbitrator therefore that Act has no application to that particular transaction. We wanted to make quite sure that the Act will not be evaded through that particular loophole. It is for these three reasons that we have brought in these three additional categories to make the position absolutely clear from our point of view. I dare say, my honourable friends and other lawyers on the other side may find other loopholes and we will have to pass yet another amending Bill to clarify or strengthen the protection which we want to give to debtors. Under the present circumstances there is nothing ambiguous about it ; it is quite clear at present that, owing to the decisions of the civil courts, the protection which we have offered is not applicable at all provided the court of insolvency deals with the case or an official receiver or arbitrator is appointed. It is for this simple reason that I have

[Premier.]

provided this amendment in the Bill, so that there may be no doubt or misapprehension with regard to this particular point.

Rai Bahadur Mukand Lal Puri : Sir, I understood that it was the desire of certain members to oust the jurisdiction of the courts and I postulated that there was such a desire and I was looking forward to learning from them as to what advantage they hoped to gain thereby. If there is a material advantage to the debtor, well you may run the risk of dislocating the work of the courts. But how can you demonstrate that there is any advantage to the debtor? There is no pleasure, there is no virtue in resorting to civil courts in order to upset the work of those courts. When a debtor goes to an insolvency court, he goes there with the object of liquidating his debt. But his debt is being liquidated, as his estate is being administered by an official of the court. The property is not in his hands and by making this amendment you are allowing the debtor himself or any of his creditors, who are not satisfied with the administration of the estate by the receiver to put an end to all those proceedings without making any provision for the conciliation board to get hold of the property of the debtor, which is not with the debtor either legally or physically. The result of this amendment would be the delay of the proceedings in the court. The receiver will continue to be in possession of the property and no useful purpose will be served by this amendment.

Again the Honourable Premier has not said anything about the simplified procedure of insolvency which has recently been enacted as a part of the Indebtedness Relief Act. That simplified procedure of insolvency, which is open to persons, whose debts exceed Rs. 250 and whose assets do not exceed Rs. 2,000 is really a procedure for liquidation or wiping out of the debts within a maximum period of six months. Are you not depriving the debtor of that class from the simplified procedure of insolvency, which is really the procedure for the entire wiping out of debts of those poor persons by staying those proceedings at the instance of any person? I may point out that the Lahore High Court has unfortunately interpreted the word "court" to include insolvency court although Madras, Nagpur and other courts have taken a contrary view. The Lahore High Court has been careful to point out that the proceedings of the Indebted Relief Act would only apply up to the stage of adjudication, that is, if an application for an adjudication either by a debtor or a creditor is pending before an insolvency court and an application has been put in before a debt conciliation board then before adjudication these proceedings shall be stayed. Whether it is good for the debtor or good for the creditor, it is a different matter altogether. This is the state of law in the Punjab at present. But they have been careful to point out that once an adjudication has taken place a person ceases to be a debtor.

Premier : Sir, at the very end of his speech the honourable member let the cat out of the bag. I knew at the very outset that my honourable friend would say that once a receiver is appointed by a court this amenity will no longer be given to the people. I know it perfectly well. Then why should he object to it? As I have already pointed out, some courts have decided that once an official receiver is appointed the Act becomes a dead

letter and it is for that reason that we have brought in the words "official receiver". I made it quite clear.

The second argument was that once an insolvency court takes cognizance of a case it can appoint an official receiver and can take hold of the property at once, but that, if we pass this amendment, the result will be that a conciliation board cannot take hold of the property which the insolvency court could have done. Perfectly true, but conciliation boards have got a right to suspend and stay proceedings at once. The value of property involved in civil courts, my honourable friend will concede, is much greater than the value of property involved in an insolvency court. Therefore, I do not think that that argument carries much weight because after all we have already given them powers to stop proceedings where a case is taken cognizance of by a civil court. I think that hardship will not make much difference.

Rai Bahadur Mukand Lal Puri : In civil courts property does not vest in anybody else.

Premier : Quite true. But the official receiver can be appointed by a civil court just as by an insolvency court. It was here that this law was evaded. When official receivers were appointed, they absolutely evaded the instructions of the conciliation boards and they have been playing ducks and drakes with the property of debtors. My honourable friend also said that the Lahore High Court had rightly and sanely taken the view that an insolvency court was included in the term, 'civil court'. But there are several other High Courts who do not hold the same view and to avoid that misunderstanding or doubt we have made the position quite clear in accordance with the decision of the Lahore High Court, which my honourable friend has quoted. Where is the quarrel? He should not object to the inclusion of an insolvency court in the definition. I hope my honourable friend, will, therefore, not stress that point any longer. His main argument, however, was this that this is a privilege which we have given under the amended Insolvency Act to the debtor and now we are taking away that amenity or facility from him. Anybody, who has got assets of Rs. 50 or Rs. 1,000 can go to an insolvency court and get through summary proceedings and get his debt discharged within six months. Then what point is my honourable friend trying to make? I think that his argument was that we are taking away some valuable concession from the debtor. To that my only answer is this, that if my honourable friend thinks that this new definition is not to the benefit of the creditor, then he should have taken up that position and represented his case, but when he takes up the cudgels on behalf of the debtor I can only say—

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Mr. Speaker : The question is—

That in the proposed clause (1) of part (b), line 2, the words, "a court of insolvency" stand part of the clause.

The motion was carried.

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

That in the proposed clause (1) of part (b), lines 2—7, the words "a receiver..... an order of a Court" be deleted.

Mr. Speaker : I cannot allow the honourable member to move his amendment as worded. He should confine it only to the words beginning with "a receiver" and ending with the figures "1920", so that the remaining words may be dealt with by another honourable member.

Sardar Dasaundha Singh : If Lala Duni Chand is allowed to move his amendment, then amendments Nos. 5 and 6 will be out of order. So I submit that this amendment is all right.

Mr. Speaker : If I allow this amendment, I will be taking away the right of another member to move the deletion of a smaller number of words. Besides, here is the amendment that part (b) be deleted. Has the honourable member seen it?

Lala Duni Chand : I suggest that it will be a better way of doing things if the amendments which seek the deletion of the word 'receiver' and of the word 'arbitrator' should be taken up together. Of course, the amendments dealing with the deletion of the word 'arbitrator' and 'a receiver' can be considered as a part of one motion.

Mr. Speaker : I cannot allow this.

Lala Duni Chand : Then I move—

That in the proposed clause (1) of part (b), lines 2—4, the words "a receiver..... 1920," be deleted.

I have observed a sort of legal dual between Rai Bahadur Mr. Mukand Lal Puri and the Premier. I share the feelings of
 4 P.M. Mr. Mukand Lal Puri that by excluding the insolvency court in the definition of the "court" the matter will be very much confused. In any case the creditor does not stand to gain. The proposed clause seeks to extend the definition of a court. A receiver under the insolvency Act has got specified power. For all purposes under the Insolvency Act the receiver is not a court. Now the word 'court' as defined in the clause will include also the receiver. It means that any order of the receiver will be subject to the jurisdiction of the conciliation board. A receiver can deal with certain matters provided in the Insolvency Act. Any order that the receiver passes will be subject to the control and jurisdiction of the conciliation board. I fail to see what is the object of that, and unless the Premier makes this matter clear I think it is good that the word 'receiver' should not be considered as being included in the definition of a court. I would request him to throw further light on it. With these words I move the amendment.

Mr. Speaker : The question is—

That in the proposed clause (1) of part (b), lines 2—4, the words "a receiver appointed under the Provincial Insolvency Act, 1920" be deleted.

The motion was lost.

Lala Duni Chand : I beg to move—

That in the proposed clause (1) of part (b), lines 5—7, the words "and an arbitratora Court" be deleted.

Mr. Speaker : If the honourable member will read the very first amendment on the notice paper, he will find that there is an amendment by Lala Sita Ram and Rai Bahadur Mr. Mukand Lal Puri that the words

"a court of Insolvency.....Insolvency Act, 1920; and" be deleted. It has been left out as it will make the part under discussion meaningless.

Diwan Chaman Lal : Mr. Mukand Lal Puri's amendment goes up to the word 'and' while Lala Duni Chand's amendment starts with "an arbitrator appointed with the consent of the parties or by an order of a Court."

Lala Duni Chand : My amendment is that the words beginning with "and" and ending with "court" be deleted. What I want to exclude is an arbitrator appointed with the consent of the parties or by an order of a court and he be not included in the definition of a "court". We know that arbitrators are appointed in two ways: out of court and by court. In the first case the matter is referred to an arbitrator and after he has given his award it is up to the parties to ask the court to convert the award into a decree, or the parties may not like to go to the civil court and have the award filed. The other way is that the parties to a suit may refer the matter to the arbitration of an arbitrator. In that case after the award is filed and the decision of the court it becomes a decree. In one case the award of the court becomes a decree while in the other case it may or may not become a decree and the parties cannot be forced to have resort to the court. I want to know what is the object of putting the word "arbitrator" within the definition of the court or a civil court. The very fact that parties choose their own judge or tribunal I think should satisfy all concerned. Why ask for the decision or the award of an arbitrator or why ask for the decree of a civil court based on an award being subject to the control or jurisdiction of the conciliation board? The object of a conciliation board is that parties are given an opportunity to have that matter settled by conciliation. I think that this is the object of the Relief of Indebtedness Act which underlies the formation of the conciliation board. Here there is already a sort of conciliation board, namely, the appointment of an arbitrator. The arbitrator is nothing but a sort of conciliation board. The whole object underlying reference to the arbitration is that in order to have the dispute settled they choose a man in whom they have faith and want to abide by the decision of that man in whom both the parties have faith. After the parties have referred the matter either out of court or through court to a person in whom they have faith, where is the necessity of having the decision of that man subjected to the jurisdiction of the conciliation board? In the case of an insolvency court or in the case of a receiver the consideration may be different, but the purpose that is intended to be served by the conciliation board is intended by the award of the arbitrator chosen by the party and for these reasons I want the exclusion of the arbitrator from the definition of "court".

Mr. Speaker : Clause under consideration, amendment moved—

That in the proposed clause (1) of part (b), lines 5—7, the words "and an arbitrator appointed with the consent of the parties or by an order of a Court" be deleted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I think I have already made the position quite clear. But my honourable friend comes from the Ambala division, and I am surprised that he is so ignorant

[Premier.]

of the practice, procedure and custom in his own division. He is a very old lawyer of standing, and he knows how these arbitrations are done in this part of the world. I have received complaints that in nine cases out of ten, the arbitration is no less than a bogus arbitration. What happens is that the creditor himself gets the thumb-impression and the signature of the party concerned and keeps it in his own possession. He lies low for some time and after a time he gets his friend who has already been cited as an arbitrator to write out an award and then he merely goes to a court of law, very conveniently cheats Government of its court fees and everything else, and puts that award in court and gets a decree—

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That is what is happening. It is for that reason and for several other reasons which I have already given, that we have included this, and if my honourable friend wants that this additional procedure should be open to the public it will remain open to the public. All that we want is that it must in no way be sought as an excuse for evading the provisions of this Act as has happened in certain cases, and my honourable friend's contention is that these arbitrators are very useful gentlemen and this procedure is sometimes very convenient. It may be, but I have cited instances where it is used for other purposes. But that is neither here nor there. The question is of inclusion of an arbitrator. In this definition we do not lose anything. My honourable friend says that we will be losing something. Let us see how. If the case has gone to a conciliation board, it can stop the case before a civil court or an insolvency court takes action. A case that is before an arbitrator is similar and I see no difference between them.

Lala Duni Chand : It appears that the Honourable Premier is developing into a good lawyer, but in his attempt to develop into a good lawyer he is shooting wide of the mark. He thinks that in particular divisions or particular districts awards of a particular type or of a particular brand are made. I am very sorry for the view that he has taken. Should I understand that he divides the Punjab into five or six divisions and he wants that each division should have a particular kind of mentality? I think the inhabitants of the Ambala division are really as good or as bad as the inhabitants of other divisions. I do not think there is any fun in saying that in the Ambala division awards of that kind are very much in vogue. The Honourable Premier's right hand man, Sir Chhotu Ram, comes from that division and I think for the development of that kind of brand if any Sir Chhotu Ram is more to blame and the Premier should consult him on this matter.

As regards the remedy pointed out by him he is again mistaken. He is starting as a lawyer. It will take long, I think, before he can understand things that a lawyer can understand. He says that very often bogus awards are made, but he should also know that there is a chapter in the Civil Procedure Code that lays down that it will be open to either party to challenge the dishonest nature of an award. The matter is not left there. If the matter was left to the option of the party, I would understand the reason, but he must know also that after an award is made, say out of court, it is open to either party to go to the civil court and have the matter thrashed out, and

therefore there is no justification for the suspicion that is lurking in his mind. If there is a machinery provided in the Civil Procedure Code, then in that case his fears are absolutely groundless. It will be always with the consent in the beginning that the matter is referred to arbitration, so the debtor must understand the implication or the significance of reference to arbitration. He may have been duped or he may have been deceived, but after the award is made, the man understands his position. In that case the Civil Procedure Code makes an elaborate provision and the injured persons or the duped persons can take advantage of that. The courts under the Civil Procedure Code are presided over presumably by competent judges and there is no reason why the Honourable Premier should not have faith in those courts.

Mr. Speaker : The question is—

That in the proposed clause (1) of part (b), lines 5—7, the words "and an arbitrator appointed with the consent of the parties or by an order of a Court" be deleted.

The motion was lost.

Mr. Speaker : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General, Rural) : I beg to move—

That in the proposed clause (iv), line 2, the words "deemed to be" be deleted.

In the original Bill the words are "to subsection (2) the following clause shall be added", and the amendment suggested by the Select Committee is : "to subsection (2) the following clause shall be deemed to be added". I would like to be enlightened whether it is a mere verbal correction or whether any particular meaning is intended to be conveyed by the addition of these words.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proposed clause (iv), line 2, the words "deemed to be" be deleted.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : We wanted to be quite sure that the meaning was clearly conveyed to an interpreter of this law. My honourable friends know that there are certain things which mean amendment of the Act itself. There are other things which mean amendment of not only this Act but also of another Act. My honourable friends will remember that certain sections of the Usurious Loans Act have been amended. Now this amendment also would further amend the Usurious Loans Act. Therefore we have put in "deemed to be". It would not be an amendment made in this Act alone but in the Usurious Loans Act where that particular clause would be applicable by virtue of that particular section in the original Act. (*Interruption.*) I personally think as a layman that there would have been no difference, but there are some lawyer members who thought that the words "deemed to be" would have more correctly conveyed the ideas of the framers of the Act. As I have just stated, I personally think that the original wording was all right.

Diwan Chaman Lall : May I ask whether the Honourable Premier has consulted his law authorities in regard to this particular expression ? As far as I am aware this is the first time in the history of legislation that a phrase of this nature has been inserted for the purpose of an express mandate being given—"shall be deemed to be added". Either it is added or it is not added. What do you mean by "shall be deemed to be added" ? If my honourable friend wishes that this should be added then a positive proposition is essential. If he wants that it should not be added, then a simple negative is necessary. I do submit that it will be much more advisable to postpone the consideration of this particular clause until we can get some clearer opinion in regard to the expression that has been used. I hope my honourable friend will agree with me that we might take up this clause to-morrow instead of taking it up to-day.

Premier : I do not think we need postpone consideration of this clause in respect of the wording. The drafting committee might consider it. If the law officers consider that these words are unnecessary then they can be omitted by the drafting committee. But I think we have used here the exact words which are used in the original Act, so that that section might be made clear. This is an amendment of the Relief of Indebtedness Act and the intention is that the corresponding clause in the Usurious Loans Act should be amended automatically.

Diwan Chaman Lall : I think I have not made my point quite clear. I have no objection to the words "shall deem interest to be excessive". That is a phrase that we can understand. But I cannot understand a phrase like this, that a particular clause shall be deemed to be added. Either my honourable friend desires to add that clause or he does not desire. If he desires to add a clause then it shall be added. There is no point of saying "deemed to be added".

Premier : I quite agree and that was my view in the select committee. But a lawyer member suggested this phrase and the law advisers thought at that time that there was no objection. In any case it is a question of drafting and it will be attended to by the drafting committee.

Mr. Speaker : Question is—

That in the proposed clause (iv), line 2, the words "deemed to be" be deleted.

The motion was lost.

Sardar Kapoor Singh (Ludhiana East, Sikh, Rural) : Sir, I move—

That in the beginning of the proposed clause (iv) (e), the following be added :—

"Notwithstanding anything to the contrary contained in any law for the time being in force."

Mr. Speaker, I must confess that I am not clear in the interpretation of this clause, because it seems to me that according to this clause if the bank rate plus 2 per cent comes to less than $7\frac{1}{2}$ per cent, then in that case $7\frac{1}{2}$ per cent interest shall be excessive and only in that case the court shall give decree at the bank rate plus 2 per cent. Now take the present case. At present the bank rate is only 3 per cent. Adding to it 2 per cent we get 5 per cent. Then in such cases the courts would not give interest more than 5 per cent because if that interest is higher than 5 per cent, then that shall be

considered as excessive. On the other hand, there is the Negotiable Instruments Act, according to which the court can give interest at 6 per cent. If that is so, then this clause would be in a way inconsistent with certain sections of the Negotiable Instruments Act. So I would first like to know from the Honourable Premier the interpretation of this clause. If my interpretation is correct, then it is necessary that we put in these words which I have suggested in my amendment, so that this clause might not be inconsistent with the Negotiable Instruments Act.

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

That in the beginning of the proposed clause (iv) (a), the following be added :—

“Notwithstanding anything to the contrary contained in any law for the time being in force.”

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : I want to put it very pointedly to the Honourable Premier if his intention is to reduce the rate of interest from 12 to $7\frac{1}{2}$ per cent or from 12 to 5 per cent because the court shall deem interest to be excessive when it exceeds $7\frac{1}{2}$ per cent or is more than 2 per cent over the bank rate, whichever is higher, that is $7\frac{1}{2}$ per cent or the bank rate plus 2 per cent. I am sure this is not his meaning. If that is not his meaning then the clause is to be amended.

Premier : I sympathize with my honourable friends and I am sure they will sympathize with me because all these things are so confusing. You have to look to two or three Acts before you get the correct interpretation. The intention of the framers of this Act is that it should be $7\frac{1}{2}$ per cent and not 12 per cent as in the original Act. That is one thing. Secondly, it is possible that, during the course of the War, the bank rate might go up and it might be even 7 per cent. In that case $9\frac{1}{2}$ per cent will not be considered excessive. This is what we want to convey.

Sardar Kapoor Singh : This is not the meaning.

Premier : This is the meaning which to the best of our ability we can get out of the clause as it is at present worded. The position is this that if at the time of borrowing, the bank rate is 3 or 4 per cent, then $7\frac{1}{2}$ per cent would be the maximum rate, but if to-morrow when you go to borrow, the bank rate is 8 per cent, then it would not be fair to say that $7\frac{1}{2}$ per cent would be unconscionable. In that case 10 per cent would be proper. That is what we want to convey and now my honourable friends can sit together and if they can make the clause clearer, then I would be glad to consider it.

Lala Bhim Sen Sachar : The language is not clear.

Parliamentary “Secretary” (Mir Maqbool Mahmood) : There is a comma after the words bank rate” which is intended to show that whichever is higher applies to one of the two positions, $7\frac{1}{2}$ per cent or more than 2 per cent of the bank rate. If there were no comma, the objection would be very pertinent, but in view of that comma the position is as explained by the Honourable Premier that if at any particular time $7\frac{1}{2}$ per cent is higher than the bank rate anything above that shall be considered as excessive, but if at any time the bank rate is higher then the rate shall be two per cent over and above the bank rate. If there were no comma, then the words

[Mir Maqbool Mahmood.]

should have read like this "exceeds $7\frac{1}{2}$ per cent or the bank rate plus two per cent whichever is higher." But in view of the comma the interpretation is quite clear.

Lala Duni Chand : I have high opinion about the knowledge of English of my honourable friend Mir Maqbool Mahmood, but he should not try to retain the clear defect that there is in the language. If he will kindly read the language with me, he will at once see that the interpretation that he is putting is not tenable. It reads—

The Court shall deem interest to be excessive if it exceeds seven and a half per centum per annum simple interest or is more than two per centum over the bank rate.

So long as the bank rate does not exceed $5\frac{1}{2}$ per cent the matter is all right. The trouble arises only when the bank rate is three per cent or four per cent or two per cent. If it is 3 per cent with two per cent more it becomes 5 per cent. How can you possibly say that 5 per cent is higher than $7\frac{1}{2}$ per cent? That is the only meaning of English language. Of course there is no shame in admitting a mistake. All of us make mistakes and very many times there are mistakes made by all of us. You should accept that mistake. Whatever the Honourable Premier has said is perfectly all right. So far as his mind goes, his mind is perfectly clear, but so far as the language is concerned, the language is not clear. Let us give effect to the clearness of his mind and not to the imperfection of the language.

Premier : We will put our heads together and try to make the position clear. If he thinks that it can be further clarified by different wording give me an amendment and we will accept it. I have explained what the intention of the framers is. Perhaps it would be clearer if it is said that if it exceeds $7\frac{1}{2}$ per cent per annum simple interest or is more than 2 per cent over the bank rate, if the bank rate exceeds $5\frac{1}{2}$ per cent. But personally I think that these words are clear enough.

Diwan Chaman Lall : May I say one word. I think if we take the meaning of the phrase used and the punctuation which has been pointed out by my honourable friend Mir Maqbool Mahmood, there should be very little difficulty in arriving at the proper sense which the Premier wishes to import into this phrase. Let us see. It reads—

The Court shall deem interest to be excessive if it exceeds seven and a half per centum per annum simple interest or is more than two per centum over the bank rate, whichever is higher at the time of the taking of the loan.

There are two propositions, one that it would be excessive, if it exceeds $7\frac{1}{2}$ per cent and it would be excessive if it is more than 2 per cent over the bank rate. At the time of making the loan it will be considered which of the two is higher and if it is higher than the figure laid down, namely, the highest figure $7\frac{1}{2}$ per cent and it exceeds this then it would be excessive. I do not think there is any ambiguity about it. When my honourable friend pointed out to me there was an ambiguity in it, but if you try to dissociate the two propositions and see how they read then there is no ambiguity. Let me put it once again. The first proposition is that the court shall deem interest to be excessive, if it exceeds $7\frac{1}{2}$ per cent per annum simple interest. Then again the court shall deem interest to be excessive, if it is more than two per cent over the bank rate, but at the time of considering whether it is excessive

or not, the higher rate of the two shall be considered. If the rate of the bank is less than $5\frac{1}{2}$ per cent then $7\frac{1}{2}$ per cent would not be taken as excessive, but if the bank rate goes up to say 7 or 8 per cent then you add two per cent. to that, then anything over 9 per cent will be considered as excessive. I do not think there should be any ambiguity in it. When Sardar Kapoor Singh, very acute and agile as he is, pointed it out to me, I was myself confused, but reading in this light which my honourable friend Mir Maqbool Mahmood has thrown on it, I do not think there should be any ambiguity. No doubt it is not happy language.

Sardar Kapoor Singh : I do not propose to press my amendment.

The amendment was by leave withdrawn.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : I beg to move—

That in the proposed clause (iv) (e), line 2, between the words "excessive" and "if", the words "in the case of loans advanced after the coming into force of the Punjab Relief of Indebtedness (Amendment) Act" be inserted.

The object of this amendment is to make the reduced rate of interest not to have retrospective effect. My reason for this is that only in 1935 you fixed the rate of interest at 9 per cent for secured loans and a little higher rate of interest for unsecured loans and laid down the law that any one who lent within these rates of interest will be entitled to charge those rates. Those who are aware of the rates of interest prevailing in this province and the rates of interest which have been charged by the creditors know very well that much higher rates of interest were charged than those allowed by the law of 1935. It was only in 1935 that the legislature gave an indication of its mind and called upon the debtors and creditors to regulate their future transactions on those lines. Those creditors who wanted only a fair rate of interest, either in the case of fresh advances or in the case of old advances regulated their transactions according to the standard fixed by the law of 1935. Now, this year the legislature thinks that these rates of interest should be further reduced. My proposal is that for the period 1935 to 1940 those rates which were only recently declared to be legitimate should be allowed and from 1940 onwards no more than $7\frac{1}{2}$ per cent should be charged on secured loans and not more than $12\frac{1}{2}$ per cent on unsecured loans. You will be pleased to observe that the loans may have been advanced at a time when the bank rate was $7\frac{1}{2}$ per cent the creditors also should be required to charge only $7\frac{1}{2}$ per cent. Besides, changes in substantive law are usually not made retrospective. They always affect transactions which take place after the enactment of the law. This is the view of the entire Opposition. It will be noticed that in the minute of dissent I have made it quite clear that there is no justification for giving retrospective effect to this change in the substantive law. Messrs. Muni Lal Kalia, Munshi Hari Lal, Kartar Singh and Bhagat Ram—members of the Congress Party—in their note of dissent at page 14 make that point equally clear when they point out "that the clause as amended should not have retrospective effect as it will affect the existing contractual obligations and may result in the collapse of several money-lending concerns which themselves may have borrowed at rates of interest to which the present amended law will not apply". With these words I move the amendment.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proposed clause (iv) (c), line 2, between the words "excessive" and "if" the words "in the case of loans advanced after the coming into force of the Punjab Relief of Indebtedness (Amendment) Act" be inserted.

Mir Maqbool Mahmood (Parliamentary Secretary) : I am surprised at the line of argument taken by my honourable friend. The basis of these measures as stated more than once is this that despite contractual relations between the parties, the legislature feels that the time has come when these contractual relations must be justified by higher relations, higher dictates of duty to society in the light of the changed circumstances. My honourable friend will agree that even the Usurious Loans Act of 1918 was allowed to have retrospective effect. When that Act was passed it gave powers to courts to re-open the transactions and relieve the debtors of excessive rates of interest retrospectively. In this regard I have no less an authority than the legal luminary, Sir Tej Bahadur Sapru, who speaking in the Legislative Assembly on the Usurious Loans Bill said—

I am an enthusiastic advocate of the Bill and I do not think that the doctrine of freedom of contract can be left to run its course uninterruptedly in a matter like this; I think the stronger the measure is the better it will be for the protection of the masses and for the land-owning classes.

I submit that I am surprised also at the attitude taken by our friends of the Congress Party in their minute of dissent to which Mr. Puri referred. I am surprised particularly because they have at various times been advocating that they and their party stand for the relief of the people of the usurious rates of interest. It is curious enough that in certain provinces where the Congress governments were in power they legislated on exactly the same lines as we have done so effectively in the Punjab and they prided over it, and rightly so, as an achievement of utility and beneficent service to the community. It would be only fair if the Congress Party here or at least its leader had congratulated this Government on the measure it has brought forward.

Now, as to the figures referred to by Mr. Puri. I have great respect for his knowledge of law and figures. He will forgive me, I hope, if I tell him that in the present circumstances of the country $7\frac{1}{2}$ per cent or 2 per cent above the bank rate is not an unfair rate of interest to be allowed. Moreover, this rate will be lowered only in cases which come to court, and if the parties themselves come to some arrangement outside and do not come to court there is nothing to bar them to give any rate of interest. I submit that there is nothing unfair in this and, if anything, it is a very cautious rate of interest which is proposed in this law. In view of the prevalent rates of interest in other provinces, I think he will agree with me that this is not a low rate of interest to which he should object.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : I wonder if I should be thankful to my honourable friend for his having provoked me to a little speech. I had been keeping studied silence all this time because I had been feeling that it was utterly useless to make speeches in this House. From the experience of the last two years I have come to the conclusion that there is no use putting forward any arguments or any grievances before this Government. The Government is obsessed with the

one idea that it has to raise one class and crush the other. It has got power, it has got a majority at its back and so it thinks it can do whatever it likes. People come and tell me that probably their ancestors under certain kings, whose names I need not mention, were not so badly off as they are under the present Government. But that is neither here nor there. As, however, we have to do our duty in order to prevent our position being misunderstood either by the people outside or by the Government we have to say something lest it should be understood that we are either indifferent to the interests of the people outside who are likely to be affected by these measures or that we have no objection to these measures.

It is really out of that consideration that I have got up to say a few words. My honourable friend waxed eloquent over the requirements of the times and over the change of circumstances and urged that we should show higher consideration to the needs of the times than to the sanctity of contracts, and in order to fortify his argument he referred to Dr. Sir Tej Bahadur Sapru. I believe it was Dr. Sir Tej Bahadur, if not his son. It is very easy to quote scriptures and he has done that but there is a limit to quotations from scriptures. Dr. Sir Tej Bahadur Sapru, I am sure, would not support any such amendment of the law which had only been passed about 4 or 5 years ago. What is the guarantee that some people imbued with "higher" moral considerations than my honourable friends over there, may not come forward and say that even 7½ per cent. is high interest and it should be reduced to 6 per cent with retrospective effect? The whole thing will be reduced to a farce and the whole position will become ridiculous, if people are told one day that they may charge a certain rate of interest and it will not be considered excessive and after a few years they are told that it was excessive. It is certainly not what Dr. Sir Tej Bahadur would have supported. One thing has been overlooked and even my honourable friend Mr. Puri omitted to refer to it today. There is a very important point to be considered under the Usurious Loans Act. As you know when the court once finds that the rate of interest is usurious, it is bound to go behind the accounts between the parties and it is open to the court, if it finds that under the Usurious Loans Act the decree-holder was the plaintiff.

Sayed Amjad Ali Shah : On a point of order. If you would read the amendment which is now being discussed you will agree that the amendment Nos. 8, 9, 10 and 11 should also be discussed along with this amendment. The arguments advanced are about the different rates of interest.

Dr. Sir Gokul Chand Narang : No, no. My honourable friend has either actually misunderstood me or he has not heard me. The objection at this stage is not as to the particular rate of interest. The objection is to the retrospective effect of the amendments.

You will see, Sir, that under section 6 of the Punjab Relief of Indebtedness Act, it is provided that "the provision of this part of the Act shall apply to all suits pending on or instituted after the passing of this Act." This means that this reduction in the rate of interest as provided in that particular clause will have retrospective effect. Then again under section 3 of

[Dr. Sir Gokul Chand Narang.]

the Usurious Loans Act, it is provided that "notwithstanding any agreement" purporting to close previous dealings and to create a new obligation, re-open any account already taken between them and relieve the debtor of all liability in respect of any excessive interest, and if anything has been paid or allowed in account in respect of such liability, order the creditor to repay any sum which it considers to be repayable in respect thereof". It means in effect that in 1934 the Government told the moneylender that he could charge 12 per cent interest. While the amount is still due and within limitation he comes to court, the court will now tell him that the rate of interest has been reduced by Government by a subsequent measure to 7½ per cent. Therefore, if you have received interest from the debtor at the rate of 12 per cent you must refund that amount to the debtor.

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

This is what the Government is going to do. I do not think such a thing will be tolerated in any other country. I am surprised that my honourable friend Mir Maqbool Mahmood in a fury should have ridiculed Mr. Mukand Lal Puri and should have accused him of overlooking the circumstances and moral obligations, the moral obligations of this extremely moral Government who reduce the rate of interest with retrospective effect. I do not want to say anything more, but I will request (looking towards the official benches) request whom? There is no Minister at all in the House to say with authority "yes" or "no". I am not going to make any request and will leave the matter where it is. They treat us most contemptuously. Even the sponsor of the Bill does not consider it necessary to sit here and listen to what we have to say. It is most discourteous and inconsistent with decency. There is no responsible Government member to listen to our arguments.

Parliamentary Secretary (Mir Maqbool Mahmood): I am here. I am listening to all that you are saying.

Dr. Sir Gokul Chand Narang: You are not. You may be hearing and yet you are not listening. General Parliamentary Secretary my honourable friend might be; but he is like a new kind of a type-writer which is called dictaphone. Even in the absence of a stenographer it takes down what you dictate and when the stenographer comes, it reproduces all what is dictated. You are just like that machine or like a gramophone. That may be; but certainly it is not consistent with the dignity of the House or with the practice and conventions of this House that when important discussion is going on with regard to a very important measure, the whole band of Ministers should be absent and the debate should be left to one Parliamentary Secretary, or to two Parliamentary Secretaries, one Private Parliamentary Secretary and half a dozen or a dozen members, most of whom probably are not in a position to follow the debate. This is what we have been reduced to. There is no use of our going on with the discussion of any measure here. These gentlemen are very anxious to please their clients outside, and they do not care even to listen to what we say. At times they condemn Hitler and at times they condemn Mussolini. They are ready to exhaust all the resources of the Punjab to put down Hitler, and to-morrow they will use all our resources to put down Mussolini. I tell you and I sincerely

feel that there is no tyranny like the tyranny of a packed majority, a class majority in a House. It has created a new religion in the Punjab. A new kind of bigotry and a worse kind of bias have been created by this new majority in this province. So, I need not take the time of the House—there is very little of the House left—and I therefore resume my seat with these few remarks.

Khan Bahadur Chaudhri Riasat Ali (Hafizabad, Muhammadan, Rural): Sir, I am also provoked by the speech of Dr. Narang to give a reply as he was provoked to make his speech. I think my honourable friend has been unfair in imputing motives to the party in power or the Government of the day. He said that by means of these recent legislations which have brought down the debts of debtors the object was to create class hatred amongst various communities on various points. I need not dilate on this point more than to say that the object of this party in power in placing these legislations on the statute book was only to give relief to the poor and to remove suffering and distress and nothing else. By passing those legislations we have proved that we do not believe in mere lip sympathy but that we are sincere in our designs and in carrying out the programme which was issued by our Leader, who took the reins of office in this province as a pioneer of democracy. My honourable friend said that no retrospective effect should be given to these laws. My honourable friend, Mr. Mukand Lal Puri, while explaining the object of his amendment said that contracts should not be disturbed after passing of, say 3 or 4 years. My submission is that there is nothing wrong in upsetting any contracts or any provisions of law when it is felt that they have become things of the past and that they do not apply suitably to the circumstances which are prevailing to-day in the province. If I go into the details of the circumstances prevailing to-day amongst the debtors, it will mean a speech for another hour. I would like to refer only briefly to the speech which has been made to-day by the Minister for Development on the floor of the House. I may also remind my honourable colleagues over there that in all Congress provinces such legislations have already been given retrospective effect; otherwise there is no sense in achieving our object, that is, to remove distress or suffering by scaling down the debts. The Government of the day is out to hold the scales even. There are two ways open to them. One is to ameliorate the conditions of the poor people and the other is to bring down these people who are unfairly and unjustly on a higher level to the level which is just and fair to both the parties. So my honourable friends should not grudge when we make things equal. If they have to suffer a little they should not mind. It has been said that in 1935 certain rates were laid down above which interest was to be deemed excessive. I would like to remind my honourable friends that even in 1934, a provision was proposed by the Government, of which my honourable friend, Dr. Sir Gokul Chand Narang was a member himself. The original provision was that this provision should be given retrospective effect. What happened? The Act was passed and after that His Excellency the Governor convened a sort of a small conference in which, I believe, Rai Bahadur Mr. Mukand Lal Puri was also a member and the informal discussion continued for about 7 days and it was after that that by a mutual agreement the rate of interest, as fixed in the Act of 1935, was declared to be the rate of interest prevailing for the purposes of the

[K. B. Ch. Riasat Ali.]

Usurious Loans Act. As I have already said, if after 4 years an amending Bill is brought forward to suit the circumstances and conditions which are prevailing, there is no harm specially when these clauses were proposed in the original Bill of 1934. Dr. Sir Gokul Chand Narang has also referred to section 8 of the Usurious Loans Act saying that the law gives power to a court to re-open the whole accounts and to allow a refund to the creditor, if it thinks that the interest has been excessive. There is nothing unfair in it because the very object of making a provision under section 8 of the Usurious Loans Act was meant only for the purpose that if a wrongful gain has been secured by one party and wrongful loss has been caused to the other party, then that party which has gained must repay to the party which has suffered.

Dr. Sir Gokul Chand Narang : How is it wrongful when it was in accordance with the Act of 1934 ?

Khan Bahadur Chaudhri Riasat Ali : I am not referring to the Act of 1934. I am referring to the provisions of the Usurious Loans Act that there is nothing unfair in the provisions made under section 8 to the effect that the creditor should refund any amount which has been paid to him over and above that which he deserves. That is what I am saying.

Dr. Sir Gokul Chand Narang : May I ask a question ? Accepting the principle that my honourable friend has laid down that if anybody has taken undue advantage he should be made to restore to the person against whom he has taken that advantage. In 1934, 12 per cent was considered legal and reasonable and the Government told the moneylenders that they could charge up to 12 per cent and they charged let us say 12 per cent, 10 per cent, or 8 per cent or 9 per cent a very reasonable rate. In 1940, you now tell them, 'You go to blazes. Now we are going to make a law under which you will have to refund the interest over and above 7½ per cent which you have received during the last 5 years ; although under the law which we made 5 years ago you were perfectly right and justified in charging 8 or 9 or 12 per cent.' That is the position which my honourable friend does not seem to have understood. I want an answer from him.

Khan Bahadur Chaudhri Riasat Ali : If the conditions have changed after 5 years, there is no harm to make a law under which the rate of interest, which was deemed to be excessive, should be changed. I will refer my honourable friend to section 14 (4) in which the question of refund does not arise at all.

I think my honourable friend has not read the section. The words are :—

Nothing in this section shall be deemed to entitle any person to claim a refund of any sum already paid except by adjustment under subsection (2).

Lala Bhim Sen Sachar : Mr. Deputy Speaker, I do not propose to be long with my remarks. I only want to put one or two questions to my honourable friend opposite with a view to see if the recommendations or the proposals can stand the test of reason. Is it easy enough to throw a fling at anybody and it is the easiest thing to throw a fling on the Congress. The position of the Congress has been defined by the party so many times. The

Congress has definitely said that it is for giving relief to the poor where relief is called for and that the poor do deserve to be given the relief. The only quarrel which the Congress has with our friends, who appear to have proposed it in the same spirit which they sometime describe as socialist spirit and sometimes describe as the Congress spirit, the quarrel of the Congress is with the methods that our friends are adopting under the names of certain doctrines. What is the position with regard to the matter with which we are dealing? It has been said that we want to give relief: perfectly all right, but the relief is in this manner that if the rate of interest is higher than the rate proposed then the realisation should be considered to be excessive and therefore that man should not be allowed to realise it with the help of the court. Now if the interest over $7\frac{1}{2}$ per cent is excessive in the case of A I do not see why the same rate of interest is not excessive when another creditor has got to get it. As has been pointed out by Dr. Sir Gokul Chand Narang leave alone this question although it is very important, when parties come to a certain agreement there must be some margin allowed to the people who knew that between 1935 and 1939 it would not amount to 12 per cent. But leaving that question alone my quarrel is this that if my honourable friend thinks that the rate of interest of $7\frac{1}{2}$ per cent will be excessive may I very respectfully put it to him if it is not within their knowledge—it cannot be within the knowledge of my friends who have not been dealing with commercial life in the country—you may not know that there may be debts in existence owing to banks in which case more than $7\frac{1}{2}$ per cent interest on secured loan will be realised by the government. They say all right the banks may realise rate of interest higher than $7\frac{1}{2}$ per cent, but when it comes to another creditor he has not to realise that rate of interest although the rate of interest which he is charging is not higher than the standard laid down by the government itself.

Sayed Amjad Ali Shah : May I draw your attention that the honourable member is not speaking on the amendment.

Lala Bhim Sen Sachar : I merely say that the amendment before the House is that retrospective effect should not be given to this clause. I think I am right.

Mir Maqbool Mahmood : May I put one question to my honourable friend as it will facilitate the debate. A certain creditor in Madras lends money to the debtor on interest: it would have been perfectly admissible some years ago. Now the Madras Act was passed in 1929 by which the rate of interest has been reduced very much thereafter by 4 or 6 per cent than the rate which he legally charged. Does he regard that as justifiable or not? In the same Act in Madras they have provided separate rates for certain relief and certain banks have been exempted from that. Does my honourable friend justify that discrimination?

Lala Bhim Sen Sachar : My honourable friend has been pleased to put this question and I will straightaway give my answer. There may be circumstances which will absolutely call for intervention on the part of the government. It cannot be said that circumstances cannot change. Circumstances may change even in less than 12 months and intervention on the part of the government will be actually called for. What I was pointing out is that in his zeal to stigmatize a particular class he is losing sight

[L. Bhim Sen Sachar.]

of the reasonableness of the step that may be taken. My honourable friend Chaudhri Riasat Ali said in case of excessive interest relief is to be given : if that is to be given against the creditors why not be bold enough and come forward and say that the banks shall not get more than that rate of interest. If banks can realise higher rate than the rate suggested I do not see the reason why other creditors who have advanced loans on the rate approved by you should not be enabled to realise this amount. If that cannot be realised and the debtor requires relief from the clutches of the creditors, as the Congress has more than once stated, come along with your proposals and place them before the House. Let them try to create an atmosphere and the spirit in which there will not be that hatred at all created between a creditor and a debtor. If the debtor requires relief let it be done in a manner which will stand the test of reason and commonsense.

Rai Bahadur Mukand Lal Puri : Why I have objected to the retrospective effect being given to the present section is that the rates proposed are very unfavourable ; they bear no relation whatsoever to the actualities of the situation. I am not one of those who want the co-operative societies or banks being roped in within the purview of such kind of legislation which is an essentially bad legislation. Why I am inclined to say that no exception should be made in favour of co-operative societies or banks is this that if you will include in the legislation a class or body of persons whose interest the present Government wishes to safeguard, a class or body of persons whom they consider as their own, or for whose interests they have the remotest regard, then it necessarily follows that the legislation they will propose would not be so highly unfair because it will hit all alike. As I have submitted I have no grudge against the co-operative societies and no grudge against the banks. I wish to give them as much latitude and concession as possible but the result should not be that when you save a class of creditors which I and you essentially call our own and which we think should not be treated unfairly the rest of the world in which you are not interested should be treated in a manner which is most unfair. I put it to my learned friend Sir William Roberts, who is conversant with the commercial conditions in the province, and I put it to no less than the Premier himself whether he is prepared to say, using the ordinary English language, whether 8 per cent simple interest on secure mortgage of land or a house situated anywhere in the Punjab could be called usurious.

Now what you are laying down is that any person who is charging even $7\frac{1}{2}$ per cent compound interest should be called a usurer. How can you call an ordinary moneylender a usurer, when the co-operative societies and Government have been charging that rate of interest ? The Punjab National Bank and other very well placed banks usually charge interest on such loans which ranges between 8 and 9 per cent. I know it and almost all the House knows it. Who does not know it ? What is the necessity or justification of passing such an unfair legislation ? Is it fair that any person in this province of the Punjab, with whose commercial conditions we are all conversant, and who may have been charging $7\frac{1}{2}$ per cent compound interest during the last two years, should be designated as a usurer when your co-operative banks have been doing so invariably ? And you want to do so with retrospective effect. In case of persons who were

misled by your last Act, it would almost amount to cheating. I put it to you like this. As far as the relief of any distress is concerned, as far as the relief of unfair dealing is concerned, we are all at one with you. Where people have actually charged usurious interest on loans by all means give relief. If a man has been charging 14 or 15 per cent for a very long time, give as much relief to the debtor as you like, but when a person according to a standard that you laid down yourself in 1935 and according to a standard which you consider was not unfair has been acting properly, what justification have you for telling him that he will not be paid that much interest not only for the future but also for the past.

In 1935 we waged a crusade against the higher rate of interest and said no one should be allowed to charge interest more than 12 per cent. An honest creditor said, I will not charge 12 per cent. This man is good. I will only charge him 9 per cent simple interest. That was perfectly legal. He is charging 3 per cent lower than is permissible. In fact he is charging less than what some of the banks and co-operative societies are charging. If he had been told at that time that he will not be paid more than $7\frac{1}{2}$ per cent he probably would not have advanced the loan. He gave the loan at that rate because the legislature held out to these people that this was a perfectly fair rate. But after he has lent it—and only a year or two after the loan and in spite of the fact that judged from every possible standard of scrutiny the loan is a perfectly fair and honest transaction because, *inter alia*, it is at a cheaper rate than the loans that the co-operative banks have been lending—you turn round and say : We will make you refund that money. Is that fair? Is anyone in this House prepared to assert that $7\frac{1}{2}$ per cent compound interest on secured loans in the years 1936, 1937 and 1938 can be called usurious, judged from any standards? If you cannot do so—and it is no case of relief because the loan is not old, it has been advanced only two or three years ago—what justification is there that by passing a law now you say that what we have been doing for the last two or three years should be declared as illegal and that the creditor should be compelled to account for a refund?

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am afraid that my honourable friend is trying to flog a dead horse. My honourable friend got up and glibly said, "You want to scale down rates, by all means scale down;" and when we try to do it, he says "No, no, do not touch them." We are merely amending a particular section of the Usurious Loans Act. We amended it in 1934 and we are now going to amend it further in the light of the conditions prevailing in the country. My friend will concede that the Usurious Loans Act itself was a retrospective measure. Does he deny that it was retrospective? We are doing no more than merely altering the rate of interest gradually. We did not do it at once because that might have meant hardship. And we are not touching capital. We are merely scaling down the interest. Other countries have done it and other provinces have attempted it. But unfortunately my honourable friends sitting opposite, who claim to be members of the Congress here, think that whatever is done in Madras is not good enough in the Punjab. But that is neither here nor there. I merely wanted to point out that we are not touching capital at all. We are merely scaling down the rate of interest to give a certain amount of relief to the indebted classes. My honourable friends

[Premier.]

will concede the basic proposition that these classes do need a certain amount of relief. This is the most equitable method from the point of view of the creditors. Other provinces have reduced interest to 6 per cent. They have in certain cases wiped out the whole of the interest. Take Madras, for instance. They have, on loans advanced in 1932 onwards, wiped out the whole of the interest. Here we say that it should be reduced to $7\frac{1}{2}$ per cent and anything above that should be taken into account in calculating the amount which is to be decreed against them. Is this very unfair? Is this unconscionable? Have we done anything so revolutionary as to make my honourable friends feel uncomfortable? My honourable friend said: if you want to give them relief scale down the debts by all means. If I had done that, that would have meant a much bigger hardship to the creditor. We want to be reasonable and we do not want in any case to go in advance of the times. It is quite possible that to-morrow it may be necessary to consider the question of writing down a portion of the capital, or may be the whole of the capital, in certain cases.

As I have said, it has happened in other countries and it may be necessary here too. I cannot prophesy about something which may happen. But so far as I am concerned, and so far as my colleagues are concerned, we are bound to resist any temptation which may come from any quarter whatever to stampede us into taking action which might be considered far ahead of the times or of the requirements of the time. We have reduced it to $7\frac{1}{2}$ per cent. My honourable friend will concede that $7\frac{1}{2}$ per cent is not a very low rate. The bank rate is only 3 per cent. It has been there for the last 4 years and we fixed the maximum interest on secured loans at $7\frac{1}{2}$ per cent and at $12\frac{1}{2}$ per cent on unsecured loans. My honourable friend must concede that if you take the same proportion between the bank rate and the rate of interest we have fixed, we could have fixed 6 per cent as the maximum. Now the bank rate is 3 per cent but we have fixed a much higher rate, namely $7\frac{1}{2}$ per cent, so as to be more generous and to be on the side of equity and justice for the creditor as well as for the debtor. I think that in the circumstances my honourable friends are unnecessarily worrying themselves. Then again there is the question of refunds. We have not provided for any actual cash refunds. My honourable friends cannot blow hot and cold at the same time. On the one hand they say, "scale down the debts and wipe them off" and on the other hand they say that even $7\frac{1}{2}$ per cent is very low and unconscionable.

Mr. Deputy Speaker : The question is—

That in the proposed clause (iv) (e), line 2, between the words "excessive" and "if", the words "in the case of loans advanced after the coming into force of the Punjab Relief of Indebtedness (Amendment) Act" be inserted.

The motion was lost.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, I move :—

That in the proposed clause (iv) (e), line 3, for the words "seven and a half", the word "nine" be substituted.

Sir, there has been already some discussion on the rate of interest although the matter in substance so far as Mr. Puri's amendment was concerned was not the rate of interest but its retrospective effect. Now

the Honourable Premier has pointed out that $7\frac{1}{2}$ per cent rate is very high, fairly high, and it could not be said that it is a low rate of interest. He is probably a very rich man and he is not in need of borrowing. But people who have to borrow know that it is not easy even in the towns always to borrow at $7\frac{1}{2}$ per cent even against immoveable property. If he has any spare money to invest, he can very easily give on mortgages of shops and houses in the city of Lahore at 9 per cent. People have come to me sometimes, thinking that I had some money although I had none, whether I would be prepared to lend on mortgage at the rate of 10 or 11 per cent. I am not exaggerating at all. This is the position. Then my honourable friend said, "the bank rate in 1934 was 6 per cent and therefore the rate then fixed was 12 per cent and now the bank rate is 3 per cent and therefore we are to fix 6 per cent" and he said that he has been kind or merciful to the moneylenders and so he has fixed $7\frac{1}{2}$ per cent. In the first place—I speak subject to correction but I feel almost sure—the bank rate was not 6 per cent in 1934. It was practically the same as it is now. I know it because I had to arrange loans, heavy loans and I managed to arrange them at a much lower rate. There was another point which he has overlooked and it is this. The Imperial Bank rate cannot be a guide to the rate of interest to be fixed in this case. Whom had he in mind when he was framing this Bill? The majority of people for whose benefit this Bill is going to be enacted, consists of zamindars, poor zamindars. Has a poor zamindar ever come within one mile of borrowing from the Imperial Bank or for the matter of that any big bank? If the Imperial Bank charges 3 or $3\frac{1}{2}$ per cent, it charges that rate of interest from people who are prepared to pay back the money at a moment's notice without claiming any refund, any reduction or rebate. In this case we are providing for loans which are to be advanced not to business people who have liquid security to offer, but to people who live in the country-side and the best security that they can offer is some kacha cottage or a pucca cottage, because land is not available to the moneylenders, not even on usufructuary mortgage and no other kind of landed property can be given in security. Therefore the bank rate is no guide in fixing the rate of interest in this case. My honourable friend said, "well, in other countries, the rates of interest have been cut down according to the necessities of the times", and even in Madras he pointed to some provisions that on certain loans which had been advanced before a particular year the interest was wiped out. I do not know the circumstances there. The rate of interest charged in Madras might be 50 per cent for all we know and the Madras Government might have thought that people who have been charging 50 per cent as some Pathans do all over the country who charge 200 or 300 per cent, would not be put to any hardship if for a certain period no interest was charged. But what about those people who under the law, as it was enacted in 1934, were restricted to 12 per cent? It is those people whom you have to keep in view and not the people who might have been charging one anna per month or one anna per day on one rupee. The class concerned in this case is entirely different from the class of usurers whom I have just referred to. It is all very well to say, "it may be necessary to write off even the capital". Yes, it may be necessary. In Russia all property has been taken over. If that is what my honourable friend has in view, then let him say so and not direct his attention only to one class of people but to all classes of people. Let the whole

[Dr. Sir Gokul Chand Narang.]

land be divided and distributed equally among the people in the country. Let all the wealth that my honourable friend possesses be distributed. Then

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we shall have nothing to complain and nothing to grumble against.

What they are doing reminds me of a *dhobi* who had some very high sense of duty, as high as my honourable friends profess to have. He was given a piece of cloth to wash which had a stain on it and he used some soap and the stain became very faint. For ordinary purposes that would have been perhaps quite sufficient. But the *dhobi* like my honourable friends had a very high sense of duty. He said that the stain should be totally removed and he rubbed it with a stone. The stain became less visible, but still it was visible. Then again having a very high sense of duty, he used his teeth with the result that the stain disappeared, but with it also disappeared the cloth. They are trying to reform but has it ever occurred to them that the people whom they are going to reform may be totally wiped out? The zamindars may be deserving of all kinds of considerations and I am at one with those who want to help the poor debtor when he is in such a difficulty that he cannot pay. But has it ever occurred to them that there is another class whom they are trying to rob every day and plunder in broad daylight? Has it ever occurred, for instance, to Sir Sikander Hyat-Khan, the worthy Premier of this province, if the non-agriculturists of this province have been left any means of livelihood? What has been left to them? I ask him to point out. These people come every day to see me. The thing they ask is *hun asin ki karia* (what shall we do now)? Their money-lending is stopped, the loans which they considered to be their assets have been wiped out. The Honourable Premier very proudly said one day, we have wiped out crores and crores of debts. I said you ought to be sent to jail if not to be hanged like a dacoit who under the pretence of law has robbed so many people (*laughter*). If there was a higher law certainly these people who pride themselves on these achievements will have to answer before some one. Their next item of pride is that they have taken away land worth 16 crores from the mortgagees and handed it over to the mortgagors. If we ask them, "have you ascertained that the people from whom you have taken away this land were all rich?" they have nothing to say.

Khan Bahadur Nawab Muzaffar Khan : *Mainun wi hath la gaye nen.*

Dr. Sir Gokul Chand Narang : A poor man like my honourable friend Nawab Sahib has also been robbed (*laughter*). I hope his cousin will send the hat round for him. Have they ever ascertained whether the people to whom they have restored these lands are all poor? I have no doubt there must be many honourable members in this House and I can speak without any fear of contradiction that there must be a very large number of them who have derived benefit from the Restitution of Mortgaged Lands Act, whose mortgages have been redeemed or will be redeemed (*Voices : No.*) There must be many. Let us make inquiries. I had figures from one district particularly which were probably placed before the Premier at Simla. There are at least some members who have derived benefit from it. Are they all poor? Did they satisfy themselves that the benefit will all

go to the poor and the burden of the loot will all fall only on those who are rich? Certainly not. Again, I submit that they have committed a crime against not only the principles of jurisprudence, not only against the principles of equity, but against all sorts of public morality in robbing one class of people and paying another class. Presumption in this province is that every zamindar if he happens to be born in a particular caste is a fool (*A voice*: and yet be a Minister), is incapable of understanding his own good and is very honest and is very poor. These three presumptions they make about every blessed zamindar, that every zamindar is a simple-minded man and every bania and every one who is not a zamindar is a knave, a clever man and is immoral and is rich. These three presumptions they make, that every Brahmin, every Khatri, every Mahajan, every Arora and bania is a rich man and shrewd, not only shrewd but a cheat, and every Chaudhri honest and very poor and so on.

The Honourable Chaudhri Sir Chhotu Ram : That is true.

Dr. Sir Gukul Chand Narang : I do not know. If there were a few more fools like the Honourable Minister sitting over there, we would have had to decamp from this province even if we do not do now. This is the position. They are labouring under this misapprehension. I ask them again, they have taken away their money-lending business, they have taken away their lands, they are going to cripple even their factories by bringing them all under their own thumb, they are also contemplating a sale of goods tax and they are going to impose upon them six crores of taxes as the Honourable Minister seems to have threatened. Have they ever thought whether these non-agriculturists also are creatures of the same God, whether they have any right to live in this province and in this world? Do they think that money comes to them from heaven or they dig it up? Look here, sitting in this House there are zamindars who can purchase most of the members sitting on this side of the House several times over. Then again they say these people have been sucking the blood of the poor borrowers, and say now their turn has come and they must suck the blood of the money-lenders by scaling down debts and other means. This is the Honourable Premier's idea of scaling down debts! How are these debts to be scaled down? First, by appointing conciliation boards with the express object of scaling down debts; secondly, reducing the interest and, thirdly, making provisions that whatever is left should not be realized. This is their idea of scaling down debts. The Honourable Minister for Development very proudly said as if he had made some very, very important discovery and was regaling this House to something most wonderful when he was singing hallelujahs to the beneficent activities of the Co-operative Societies, that he has issued instructions to some societies to give credit to the extent of Rs. 300 if a debtor of the society pays one hundred only to the society. He has generously issued instructions that they should give credit to the extent of Rs. 200, Rs. 150 and Rs. 125, as the case may be if a debtor of the society pays one hundred. Some honourable members on this side failed to understand what he meant. That credit is given for three hundred if one hundred is paid, they could not really understand. Then it turned out that what he meant was this that from poor borrowers who are not in a position to pay, they welcome any payment say, from five annas and four

[Dr. Sir Gokul Chand Narang.]

pies to 14 annas in a rupee. Is there one money-lender in this province, I ask, who would not welcome 12 annas, 10 annas, 8 annas, 6 annas and even 4 annas a rupee from his debtors in most cases? In some cases he will gladly accept one anna. Probably he does not know that. Then again the Honourable Premier and his colleagues forgot that when a bania money-lender charges interest, say, at the rate of 12 per cent or 10 per cent or even more that he never ever realizes that. It is impossible to realize that. My honourable friend, the Minister for Development, shakes his head. I do not know if he has ever been a borrower, but if he has ever been I would ask him if he has never received *chhot* from his *sahukar*. There is not a *sahukar* in the province who does not give *chhot* (remission) and he must have been getting it. I challenge him to contradict me when I say that there is not one *sahukar* in the province who does not make a remission to his debtor if the debtor comes forward to make some payment. Therefore it was not a matter for him to wax eloquent over this with great pride that the co-operative societies accept one hundred for three hundred.

I join with my honourable friend in saying that if the Government undertook to pay four annas in the rupee all the money-lenders would welcome the proposal and would be prepared to tear their bonds. When this point was raised by Chaudhri Krishna Gopal Dutt, my honourable friend opposite replied that if the Government were to do this, the banias would at once write one thousand for one hundred. I ask, is there any bania alive who dare do such a thing? It is adding insult to injury to the poor bania class in season and out of season in this House and outside to say that he is such a cheat, such a wretched creature that would always forge a document and would always charge more than he has advanced.

The second argument that he advanced was that the treasury belongs to the zamindars and it would become empty if the Government took over the payment of the debts. He said that 0-15-6 in the rupee was the contribution by the zamindars to the treasury of the province. Even that statement I challenge.

Mr. Deputy Speaker : The honourable member is going beyond the scope of the amendment.

Dr. Sir Gokul Chand Narang : Mr. Puckle once calculated that so far as the contribution to the treasury is concerned, the zamindars in the province pay Re. 1-4-6 while the non-zamindars pay in one form or another Re. 1-4-0. When he talks of zamindars for the purposes of contribution to the treasury he includes Raja Narendra Nath and Mr. Mukand Lal Puri among the zamindars, but when he talks of other things these people are left out in the cold. That is the position. Otherwise if the non-agriculturists as such and the statutory agriculturists are taken separately, the contribution by statutory agriculturists who alone were meant by him when he said that the money contributed by them comes to 0-15-6 in the rupee he will find that their share of the contribution is very much less than this. I do not say it would be less than that of the non-agriculturists, but certainly the contribution of the non-agriculturists will not be so contemptible as my honourable friend believes. But this is only by the way.

Now, I shall come to the point. My honourable friend opposite said that there were two difficulties in the way of the Government taking upon

itself the loans. He and his colleagues believe that it is not possible to take over the loans. But I may say that this has been done by Governments in other places in India. Take the case of the Central Provinces. They have also the Debt Conciliation Act. What have they done? They have appointed boards to scale down the debts; and they have taken upon themselves the responsibility of paying the whole debt due from the zamindars in that province with the arrangement that they would recover in easy instalments spread over a very large number of years the amount paid on behalf of the zamindars as arrears of land revenue. This is a glaring, a shining example before the Government of our province. Why go so far? Even a small Native State as it may contemptuously be called by some people has set a better example of liquidating the debts of the poor people. I mean the State of Bhawnagar. In that State the whole of the debts of the poor zamindars were wiped out and the State entered into an arrangement with the zamindars that they would recover from them the amount paid on their behalf in easy small instalments like land revenue. Thus the whole zamindar class was saved. Other provinces also have done the same. (*An honourable member*: What about the United Provinces?) There also they are going to do the same if they have not done so already.

There is another point. The Government here probably thinks that its treasury will be emptied. I say there is no such fear. I can assure the Government that the money-lending classes would be prepared to have their debts scaled down to a very low figure. They would be prepared to sacrifice 75 per cent. That is no mean sacrifice. Let the Government undertake to pay four annas in the rupee. Then the whole debt of the zamindars of this province would be wiped out to the everlasting glory of this Government. It need not pay in cash. It may say that all the money has been spent on the Hissar famine. It is quite true. But it need not pay in cash. Let it issue bonds and also pay yearly interest just like Government securities, the bonds being redeemable in instalments. This is a very easy and simple process only if the Government has the mind to do so. But its mind is bent upon something else. Some members of Government are most vindictive; they seem to have sworn enmity against the money-lending classes like that well-known boy who swore that Rome must be destroyed. They seem to be out to kill the non-agriculturist population of this province; or at least to reduce the poor money-lenders to a strait that they should go and beg at the door of the zamindars. This is the scheme which some of the honourable members opposite have in view. My honourable friend a short time ago said that he never said that the non-agriculturists should be treated as enemies of the agriculturists and that he never tried to create hatred among the zamindars against the non-zamindars. If it were true I would be very happy. But unfortunately it is not true. He may not have used the words 'the bania is your enemy'. But he has been saying that the bania is the *machchar* that sucks your blood, he uses *kani dundee* by which he cheats you, he writes ten rupees when he pays only one rupee. What does it mean? It means that the bania is your worst enemy, he is worse than a viper, he is probably the most contemptible and hateful thing that God in a moment of negligence or forgetfulness sent into this world. This is what he goes on preaching to crowds of ignorant people assembled all over the country. This is what he does and yet he says he is not preaching

[Dr. Sir Gokul Chand Narang.]

hatred when he preaches to the crowds collected by the patwaris, naib-tahsildars and tahsildars. I know it for certain that the tahsildars have been collecting audiences for my honourable friend. I have positive proof of this. If he has the courage let him deny it. He may not himself have ordered this to be done, but his minions might have ordered the tahsildars to do so.

Mr. Deputy Speaker : All this is irrelevant.

Dr. Sir Gokul Chand Narang : You need not interrupt me I shall finish in a few minutes.

My honourable friend said one day to a friend, who went to him with a recommendation for employment for a young man that if the young man was an agriculturist he would consider his case, otherwise not.

6 p. m.

He did not inquire whether the young man was a graduate or an under-graduate and what were his subjects and so on. He inquired, "is he an agriculturist or a non-agriculturist"? If he is a non-agriculturist, he was not prepared to consider his case even if he was made of gold, but if he was an agriculturist he would consider his case. (*Minister for Development :* Who told you that ?)

Mr. Deputy Speaker : This is irrelevant and the reply to it will also be irrelevant.

Dr. Sir Gokul Chand Narang : You may have noticed, Sir, that I am not in a good state of health. I did not want to speak as I have not been keeping good health for the last few days. Sometimes, however, I feel so much disgusted with what I hear from the lips of the Honourable Minister for Development that my blood boils and I am obliged even at the expense of my own health, to get up and say something. It is not a pleasure to me to make a speech like this. I submit it is just like swallowing a bitter pill, but one has to speak out the truth. I may ask the Honourable Premier again seriously, what steps has he taken for scaling down the debts and for reducing the interest and not to make all the realization impossible? I hope he is not doing what that *dhobi* did. He is out as a reformer, like that zealous *dhobi*, who was going to destroy the cloth along with the stain. He ought to understand that almost 50 per cent of the people in this province live by money-lending, by trade and by running small shops and small industries and by such other means. Is there any activity of these people, which has not been hampered that he must come down with this additional blow? He once said he had a battery of Bills, and he has fired shot after shot. He should remember that he is not in a battlefield; but he probably thinks that he must fire somewhere, because he is a soldier and must fire. There is nothing which he and his colleagues have not done to destroy the business of the non-agriculturist classes in this province (*Laughter from the Official Benches.*) I am not exaggerating. This is not a matter to laugh at. You do not know how their hearts are poisoned, how their hearts are embittered. You have taken bread out of their mouth. You can well imagine the state of their feelings. If you really feel for the poor, these people also have a right to some compassion, to some consideration, if not compassion. They have a right to have justice, some fairness at your hands. What the Premier has done during the last two years is not consistent

with fairness ; he has not treated all alike. He has been partial, unduly partial, criminally partial. He has been partial to one community and unduly hostile, criminally hostile to the other community. It is time that he should stop this ; otherwise we can only say God will *samjho* with him.

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

That in the proposed clause (iv) (c), line 3, for the words "seven and a half," the word "nine" be substituted.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, the Honourable Premier seems to have been under a misapprehension when he said that the bank rate in the Punjab was as low as 3 per cent. He does not seem to be aware that no banks, European or Indian, are making advances at a rate of less than 6 per cent even against the easily saleable commodities, such as wheat, cotton and gram, etc. The condition of these loans is that the borrower has to maintain at all times a margin of 20 per cent or 30 per cent as may be agreed between the borrower and the banks, calculated at the prices prevailing for the commodities from day to day, and with monthly rests, which raise the interest to something as 7 per cent. If he has any doubt regarding the accuracy of the information that I am giving on the floor of this House, he may consult his Parliamentary Secretary, he may consult Sir William Roberts, both of whom are in trade and know as much as I do, as to what rate of interest is prevailing in the Punjab.

Coming, Sir, to the mortgages, I think the Honourable Premier must be aware that no European bank advances any money against property in these days. Amongst the Indian banks, there are only very few, who advance loans against property and that in the cities only, and at a rate of not less than 9 per cent. This information can be very easily verified by anyone who cares to have that done. I make bold to say, Sir, that no bank, according to my knowledge, has advanced any money, for the last several years against property at less than 9 per cent rate of interest. So far as the ordinary money-lender is concerned, you have reduced him to such a condition that it is not worth his while to advance any loans. If he advances at the rate of more than $7\frac{1}{2}$ per cent that will be considered to be an excessive rate and it could be questioned in a court of law and the poor man will have to refund or account for, even the amount already recovered from him in excess of $7\frac{1}{2}$ per cent. Whereas in the case of banks you impose no such restrictions. They may make these advances of money at any rate as they deem fit and without any risk of this being questioned in the courts. If one source of the borrower and an important source is thus shut out to him, namely, loans by the ordinary bania creditor at reasonable rates of interest, the only alternative that will be left to him will be that he has got to go to the banks. Then in that case when the banks find that everybody rushes to them for loans, they may increase their rate of interest still further. That is the thing which you should seriously consider. If you are well conversant with the realities of trade, I believe, you will have no difficulty in agreeing with me that in pushing this measure as it is you are not only making a discrimination in favour of the banks, but also creating difficulties for the borrower. The only thing that you are doing is that you are placing one particular class

[S. S. S. Santokh Singh.]

of people at a certain disadvantage without, at the same time, doing any good to the cultivator or to the poor debtor. I see sitting before me on those ministerial benches men of influence, men of very big property and I want them to lay their hands on their hearts and tell me, that if any one of them unfortunately—I say unfortunately—feels the necessity of raising a loan and goes to the bank, will he be able to get any loan whatsoever, even one thousand rupees, against the security of the property worth ten thousand rupees at a lesser rate than 9 per cent? On what logic and on what cogent reasons, therefore, have you thought it necessary to reduce the rate of interest to 7½ per cent in the case of only one class of people? If you make a general reduction in the case of all people, all creditors, whether banks, joint stock companies, co-operative societies, etc., I would have nothing to say against this measure provided it applied to the transactions which are to take place after the passing of this Act and is not to be given retrospective effect. My point is that in fixing the rate of interest at such a low figure you are shutting your eyes to the realities of the situation. I have made it clear to you that even on liquid commodities like wheat, sugar, cotton, where the conditions of loans are also very severe, these banks do not advance loans at less than 6 per cent and with monthly rests. As far as the mortgages of property are concerned, I can confidently say that 50 cases out of every 100 mortgages go to the courts. The money advanced is not paid back for years and years together, and when in the end the creditor goes to the court, he has more often than not to make a very handsome reduction not only from the interest but from principal as well. In some cases, as has already been pointed out by Dr. Sir Gokal Chand Narang, the creditor has to be content with recovering only 4 or 5 annas in the rupee. I will not, however, go into that question further, as it has been elaborately dealt with by my colleague named above already.

The question, however, is, and I put it to you in all seriousness, that you should not shut your eyes to the realities of the situation, to trade conditions as they prevail in this province and take steps hurriedly which may not be of any benefit to the class whom you do intend to benefit, but may be, on the contrary, a source and cause of misery for those very people for whom you profess so much sympathy.

Lala Sita Ram (Trade Union, Labour) (Urdu) : Sir, I have risen to support the amendment now before the House. There is a similar amendment in my name as well and I wish to make some observations with regard to it. Let me point out to my honourable friends, as I have already done many times before, that they base their decisions on wrong presumptions. As a matter of fact they think that the private money-lenders and banks get back their debts with interest *in toto*. In view of this wrong presumption they think that as 9 or 12 per cent rate of interest is exorbitant, therefore they want to reduce it in order to give relief to the poor debtor. In the year 1934 the Government enacted the Relief of Indebtedness Act and fixed the rate of interest at 12 per cent, but now they are reducing it to 7½ per cent by virtue of the proposed measure. I may point out that they have made this proposition on a wrong presumption that the *sahukars* and the banks would be able to realize the whole of their outstanding loans with interest as well. Let me tell them that by basing their decisions on these wrong

presumptions they are ignoring the real state of affairs. Like practical men they should treat the money-lending class as a whole.

They should know that in view of the several legislation or dishonesty of the debtors, the banks or the private money-lenders cannot realize the whole of their outstanding debts, even if they advance money against a mortgage deed or any other security. While making decisions about these important matters of reducing the rate of interest these facts should also be borne in mind. Moreover, the honourable members over there should also take into consideration court and other expenses which the banks and the private money-lenders have to incur in order to realize their debts from debtors. The Honourable Premier has just now said that the bank rate was 6 per cent in 1934. He has probably confused the bank rate with the rate which a bank generally charges when it advances money to the ordinary persons. I may clear this position for the information of this House that the bank rate is only accessible to very privileged few and that too against the best securities like the Government bonds. Would you like to know further as to what sort of securities are there against which big banks like the Imperial Bank of India lend money to the average businessmen? Let me point out for the information of the honourable members that there are two kinds of securities against which such banks issue loans. In the first place, all the big banks including the Imperial Bank charge about six per cent rate of interest against gold ornaments, (*A voice*: No, not against gold) and while advancing such sums all the big banks keep a margin of at least 20 per cent of the actual value of the precious metal to their advantages lest they should suffer any loss on account of some reason or other. In the second place the banks issue loans against the security of agricultural commodities like wheat, toria and cotton at the rate of six per cent. Besides, their method of charging interest is such as my honourable friends declare illegal in the case of private money-lenders, i.e., after every month they include the interest in the principal which means that they are charging compound interest at the rate of six per cent. This is the way how the banks issue loans. If any honourable member thinks that these are not the facts he can go and ascertain them for himself.

Again, I may point out that I entirely corroborate my honourable friend Sardar Santokh Singh that the Imperial Bank of India or any other well established bank is not prepared to advance loans against the security of property at even nine per cent rate of interest. The reason for this is not that they do not want to invest their money at a higher rate of interest, but on the other hand there are so many difficulties in the way of realization of debts that the banks do not consider it worth while to lend money against this kind of security even at a higher rate.

The realization of their loans being insecure, these banks would never enter into such bad transactions. They know to their bitter taste, that in such dealings they would be compelled to buy that property which was in the first instance mortgaged to them and their money would be sunk and blocked. In such cases even a much higher rate than the rate of 7½ per cent would never be acceptable to these big banks. Therefore, smaller banks or money-lenders in the zeal of doing some business, used to come forward to advance loans even against such infirm and risky securities. But they

[S. S. S. Santokh Singh.]

would and could never do it on $7\frac{1}{2}$ per cent. If you fix this rate and tie their hands in this way, they would certainly close down the doors of their shop and would be justified in inferring that the Government by introducing this measure, wishes to stop money-lending which is being run on better and regular lines.

It is a well-known fact that those who get loans of say, 5, 10 or 20 thousand rupees for productive purposes against property cannot get it for less than 9 per cent interest. May I know if the Government have done something for enabling such persons to get credit in the money market? They will be perfectly justified if they bring about a reduction in the rate of interest after they have made arrangements for making credit available to those who want to take a loan against property. If the Government had to fix $7\frac{1}{2}$ per cent as rate of interest they should have included the money-lending concerns which came into existence even before 1937. Nine per cent is a very reasonable rate of interest and I warn the Government that if they insist on dictating this rate of interest the whole industry and trade in this province will be ruined. In the interest of business and trade it is essential that the rate of interest for secured loans should be increased from $7\frac{1}{2}$ to 9 per cent per annum.

Then a reference has been made to Madras legislation, but let me point out in this connection that there the case is different in so far as that Act mainly affects the small holders and the rates laid down therein are not applicable to the big landlords. If the Government intends to benefit the poorer classes let them have a constructive programme before them before they enter into any legislative measure, which should in reality be of as much good to poor zamindars as any Government can possibly do for them.

The third submission that I have to make in this connection is that I fail to understand why the Government always presumes that a money-lender even if he lends money for productive purposes to an honest debtor, must invariably be a cheat. The money-lender has nothing to be afraid of when the debtor is honest, but he must protect his capital against the tricks of a dishonest debtor against whom the law provides no remedy. Such a person will be further encouraged to take undue advantage of the latitude given to him by this Bill which proposes to lay down a rate of $7\frac{1}{2}$ per cent by way of compensation against such risks. Even the banks are realizing 6 per cent against gold (*An honourable member*: Against gold?) Yes, against gold ornaments. I do not, therefore, see why a money-lender should be deemed to be a criminal, if he charges 9 per cent from his debtors against a property. My honourable friends are advancing a strange plea for the reduced rate of interest. Because a money-lender, they say, is rich and has grown rich by accumulating his income, therefore he should charge less from his debtors. But would you like to know, Sir, the miserable and sad tale which made him rich? It is certainly not the interest money which has made him rich. The poor fellow has been accumulating wealth by miserly living, spending very little on his food and dress and thus being unkind to his ownself and to his sons and daughters. On the other hand, I bet that in nine cases out of ten the debtors were those persons who played ducks and dracks with the money they received from the money-lender

as a loan and had champagne on their dinner table. That makes the whole difference. It is absurd arguing that because a money-lender does not spend freely, therefore he should not charge more; and that because a debtor leads a princely life, therefore he should pay less. May I through you ask one question from the Government, that if a money-lender advances Rs. 100 to some one for productive purposes and he earns Rs. 50 as profit, then where lies the harm if the money-lender realizes annas 12 from him by way of interest? Why does the Government take a pessimistic view of the matter? Why do they overlook its brighter side? If a money-lender gives a certain sum to his debtor for his business in which he makes a good profit, it is meet and proper that the debtor should give something out of his profit for using the money-lender's capital.

Mr. Deputy Speaker : The honourable member is repeating his argument.

Lala Sita Ram : Very well, Sir, if that is a repetition, I take another aspect of the question by way of illustration. The Government, we all know, occasionally take out loans, some of them at 3 per cent, others at 4 per cent and still others at 5 per cent. Now if to-day they were to decide that for a 5 per cent loan the Government will pay only 3 per cent interest, will it not be the height of injustice? Similarly, if a money-lender has advanced his capital to his debtors at 9 per cent and has adjusted his mode of living and expenses of his children's education, etc., in accordance with his expected income from that investment, will it not be hard for him to be deprived of that income with one stroke of the pen?

Mr. Deputy Speaker : It is now 6-30 p.m. The Assembly will take up the adjournment motion.

ADJOURNMENT MOTION.

TEACHERS OF DISTRICT BOARD SCHOOLS, JULLUNDUR.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural)
Mr. Deputy Speaker, I move—

That the Assembly do now adjourn.

The subject matter of my adjournment motion is a really serious affair which concerns the fate of 200 teachers and their families and the education of thousands of children in the Jullundur district. I sought leave to move a similar adjournment motion some time ago, but the occupants of the Treasury Benches, the Minister of Public Works and the Honourable Minister for Education made promises on the basis of which I agreed to the postponement of the discussion of this matter by means of an adjournment motion if need be. We were given to understand that the Minister of Public Works who had received notice of a short notice question would accept that question and give information to the House which was available to Government. He has not accepted that short notice question although notice of it was given—

Minister for Public Works : How could I give an answer without material ?

Sardar Hari Singh : But a short notice question does not remain a short notice question unless answer is given to the question within two or three days. The Education Minister went further. He said that he was going to send the Director of Public Instruction to Jullundur who would enquire into the matter and try to set things right. We hoped that because they were honourable gentlemen holding responsible positions in Government they were going to move into this matter and that they would be issuing interim instructions to the effect that the proposal mooted in the District Board, Jullundur, should not be acted upon until the *pros* and *cons* of the problem had been thoroughly considered by the Chairman of the District Board, the Commissioner, and the Director of Public Instruction or some of the representatives of the Government sitting together and thinking over the matter, coolly, calmly and impartially. What do we find to-day ? The Director of Public Instruction has not gone to Jullundur. No instructions have been issued to the Deputy Commissioner, Chairman of the District Board or the Commissioner to stay hand of retrenchment. We find that on the 22nd of this month dismissal orders were issued to as many as 185 teachers which were received by them the next day on the 23rd. I will read out to the House a copy of the notice issued to the 185 teachers. This is from the Chairman, District Board, Jullundur, who happens to be the Deputy Commissioner, and signed by him. The notice reads like this—

In consequence of the retrenchment in expenditure on the district board schools you are hereby given notice to the effect that your services will not be required with effect from the 24th May next.

Two months' notice has been given to 185 teachers, most of whom have grown grey in the service of the Board in educating the children and the masses, and after two months they will not be required any more by the District Board as teachers. Not only that, the District Board or rather the Chairman of the District Board is not content merely with discharging 185 teachers. They will go a step further. Those who are to be retained in the District Board employ will have their salaries retrenched to a large extent. This device of retrenchment of salaries up to 25 per cent in some cases is not a new feature of the Jullundur District Board administration. We are told that besides the act of discharging so many teachers, drastic cuts in the salaries of the remaining teachers will be affected, and notices of the nature which were given to the teachers in the year 1936 or 1937, a copy of which we find in the Assembly Debates, Volume I, page 1308, are being issued to the remaining teachers who are men with the Senior Vernacular qualifications getting anything up to Rs. 70, and they will start afresh from Rs. 25. All those getting above Rs. 25 in the Senior Vernacular grade will have to start a new from Rs. 25, though they were getting Rs. 70 or Rs. 60 or Rs. 50 or Rs. 40, any salary above Rs. 25. The notices will be of this nature. A copy of the notice as published in the Debates will throw light on the nature of the notices that are going to be issued again. One of the notices reads like this :

The post of Mehr Ali, Headmaster, District Board High School, Nakodar, in the grade of Rs. 150—10—200 having been retrenched with effect from the 1st November, 1936, he is hereby informed that he should let the undersigned

know within three days from the date of the receipt of this notice if he is prepared to work as Headmaster, District Board High School, Nakodar, in the grade of Rs. 110—6—140 with a maximum of Rs. 140 from 1st November, 1936, without any cuts for which provision exists in the budget. In case he be not willing to remain in district board service of this district on the pay now proposed to be given to him, i.e., Rs. 140 per mensem, he should take this as three months' notice. Under the rules of Civil Service Regulations termination of his services from the date of receipt of this notice three months' pay under the rule is admissible to him (Shaikh Mehr Ali). If no reply is received within three days from the date of receipt of this notice, it will be considered that he (Shaikh Mehr Ali) is willing to remain in district board service on Rs. 140 per mensem in the grade of Rs. 110—6—140.

This is what was done in the year 1936. I know you are totally ignorant of what is happening under you.

Minister for Public Works : That is not our show. The district board is an elected body, you must remember.

Sardar Hari Singh : Is that why you are postponing the elections, so as to keep the reactionaries in power? If it is an elected body, then do not interfere with the elections. Do not postpone the elections just to keep in the board men who will say ditto to anything that the Deputy Commissioner puts forward in the district board meetings.

Now as a result of this retrenchment the following high schools, middle schools and primary schools, will be closed.

Kartarpur High School, along with primary school and girls school.

Banga High School, along with the primary school.

Rahon primary School.

Nakodar High School and primary school.

Nur Mahal High School and lower middle school and also the girls' schools at Nakodar and Nur Mahal and also Nawashahr middle school. So at least two dozen high, middle and primary schools, according to the statement received by me, will be completely closed down and all the teachers will be dispensed with and the students who are being educated in these schools will have to knock at the doors of some other institutions or they may not at all be able to prosecute their studies further because the other schools which are near their homes may be at a distance of more than ten miles in certain cases. For instance in the case of Kartarpur, there is no other high school within a radius of ten miles. This high school caters to the needs of not only the town people but to the needs of the villagers living within a radius of ten miles between Jullundur and Amritsar. There is no other high school there except the Kartarpur High School. Now it might be argued, as I hope and I anticipate it will be argued, that these schools are being closed on account of the fact that they are situated in small towns and municipal areas and these small towns and municipal areas who use these schools should make provision for the education of the children. But that would be a very lame excuse, if that excuse is advanced by my honourable friends opposite, because in the rural areas if we are going to open a high school, we have to find some centre to locate the school and the centre so far found by the district boards is always the city and that has been catering not only to the needs of the town people but to the

[S. Hari Singh.]

needs of all the villages lying within a radius of 5 or 6 or even ten miles in some cases.

(At this stage attention was drawn to the fact that there was no quorum and the division bell having been rung there was found to be quorum.)

I further submit that the district board this year not only reduced the salaries of teachers and closed down high schools and effected cuts in the salaries. That is not the only surgical operation that the poor teachers have undergone in recent years. If I were to tell you the tale of cuts, retrenchments and reductions, it would be a long tale. Anyhow, I will give you only certain salient features of cuts, retrenchments and reductions effected in recent years by the district board of Jullundur. In 1931 teachers were made to surrender one month's salary each to the district board with the definite promise given to them that they will not have to undergo any more cuts in salaries in lieu of this contribution made by them. Secondly, in the year 1932, a cut of 10 per cent was imposed on their salaries in spite of the undertaking given. Next, a series of cuts were effected in the year 1935. Every year they were subject to certain cuts and reductions and in some cases the cuts were as high as 25 per cent of their salaries. In the year 1936, I have already referred to the notices served on the teachers. There was paper retrenchment and paper re-employment of teachers. Teachers were retrenched in one column of the register and they were re-employed on reduced salaries in another column and the reduction in some cases was 25 per cent of their salary and as a result of the re-employment they lost also their increments, they lost all their grades and had to be content with their reduced salaries with no increment, with no promotion and with no prospect of future rise. Mr. Deputy Speaker, you will be startled perhaps to learn that the resolution of the district board for 50 per cent cut in the education budget this year, which will take effect from the next financial year, was moved by the chairman of the district board himself from the chair, by the deputy commissioner, and not by any other member of the district board, official or non-official. It was proposed by the chairman himself and he guided all discussion on this resolution. He himself personally, goes my information, canvassed among the zaildal and lambardar members, all reactionary members, in support of his proposal. He would not allow my honourable friend, Chaudhri Muhammad Abdul Rahman, a member of this Assembly, who is a member of the district board, Jullundur, to have his say in the matter. He did not allow the District Inspector of Schools, who is in charge of the education of the district, to have his say in the matter. He would not allow any discussion. Perhaps 5 or 6 minutes were allowed for discussion of the matter and then closure motion was proposed by the chair itself and this resolution was passed and as our district boards in the Punjab are all packed by people who cannot but say "ditto" to the fiat of the deputy commissioner who happens to be the chairman of most of our district boards, the result cannot be otherwise. Moreover our information is that at the bottom of the whole trouble there is a personal dispute between the deputy commissioner and the district inspector of schools, Jullundur, and in order to score a victory over the district inspector, the deputy commissioner has resorted to the device of *badnaming* him and *badnaming* his

administration in the district in order to wreak vengeance on him for some personal grudge or personal issue, by insisting on 50 per cent reduction in the district board expenditure with effect from next year. Now there is one point. It is whether the power of appointing, promoting, dismissing or discharging the teachers or employees of the board which is vested in the district board, has been delegated by a resolution of the board with the sanction of the Local Government, to an official of the Government in charge of the department in the district, whether the power in Jullundur district board of appointing, dismissing or discharging or promoting teachers has been delegated to the inspector of schools and the district inspector and whether after delegating that power, the chairman is competent to issue notices terminating the services of teachers over his own signature. Are those orders or those notices legally valid or not? That is a point to which I invite the attention of my friends, the Minister of Education and the Minister of Public Works so that they may let the House know what the position is in this matter. For, if we turn to the Punjab Education Code, Article 48, it reads—

Subject to the provision of section 33 of the Punjab Municipal Act and section 19-A of the Punjab District Boards Act—

section 19-A refers to the delegation of powers to Government officials by the district boards—

Questions relating to the appointment, promotion, leave, dismissal, transfer, etc., of teachers employed in schools maintained by the local bodies shall be disposed of in consultation with the president or the chairman of the local board concerned.

In consultation with the chairman of the district board and not by him. By whom? By the Inspector in the case of teachers of boys' anglo-vernacular and secondary schools. In the high schools it is the divisional inspector who is competent to issue such notices in consultation with the chairman and the inspectress in the case of teachers in girls' schools and the district inspector in all other cases which mean boys' primary schools and anglo-vernacular and middle schools. The Inspector of Schools who was in charge of the whole Jullundur Division was competent to issue these notices of dismissal of teachers and teachers working in high schools of Kartarpur, Nakodar and other places. I would ask my honourable friend to study this constitutional point and let the House know what his decision in the matter is. I have already referred to the fact that the likely justification for the closure of these schools from that side or by the Deputy Commissioner or the Commissioner, if the Commissioner falls in with the view of the Deputy Commissioner, would be that the schools which have been ordered to be closed are situated in small towns and municipal areas. But that would be a very lame excuse and an excuse which has no legs to stand on, because high schools though situated in municipal areas do cater to the needs of villagers within ten miles of the places. In some cases boys cycle down to schools from ten miles. Anyhow supposing the District Board is justified in closing down the schools, on the ground that they lie in small town and municipal areas, is it not the duty of our friends opposite who are in charge of the education of the children in this province to see that before the District Board closes down these schools, a special provision is made in these places to fill the void created by the closure of these schools? Could he not if he thinks

[S. Hari Singh].

the District Board is justified in closing down the schools, ask the District Board to wait a while till he could open his own school at these places? Could he not provincialize these schools which are being closed by the District Board on the flimsy ground that they lie within municipal areas?

Mr. Deputy Speaker : Five minutes more.

Sardar Hari Singh : According to the rules you can allow me more time.

Mr. Deputy Speaker : I am already allowing you half an hour.

Sardar Hari Singh : Another argument that might be advanced from the Treasury Benches in justification of that, if they think it would be a justification at all, would be that the Jullundur District Board has been spending 52 per cent of its annual income on education which no other board in the province has been doing. They are overspending on education and that the District Board is justified in cutting down this expenditure. But no man in his senses will think it justified, will think it proper for a district board with one stroke of the pen to cut down its expenditure forthwith by 50 per cent, close so many high schools, middle schools, curtail facilities for education without making any provision to fill the void created by the closing down of these schools. I think it would have been wiser for the Government to have insisted upon, urged upon the District Board to effect reduction by gradual stages. This retrenchment in the expenditure should be spread over, say, five years or ten years. Five per cent cut or seven per cent cut annually should have saved both the teachers as well as helped the District Board to readjust its budget according to the wishes of its members. Now, Mr. Deputy Speaker, I beg to my friends opposite to be serious, to be as serious as they would be if they knew that they were going to be removed from office, if they were going to lose their salaries, their factories, their lands and their wealth. Let them place themselves in the position of these teachers—185 teachers. Let them enter the minds of their families, their children, their wives, the wives and children and families of these teachers whom starvation faces now on the 24th of May next. Let them be serious and let them ponder over the matter and consider as to how to help the District Board and act upon a wise policy, how to help these 185 teachers with their families perhaps one thousand souls to be saved from starvation. After all it is the teachers who are the makers of the nation. Let them not twit me by saying that I was agreeable to postponement of the matter and it was only the Leader of the Opposition who insisted upon this matter being discussed. I was never agreeable, because I could not rely upon the promises of the Honourable Minister. Moreover it becomes doubly the duty of the Government to interfere in the matter and save the educational facilities from being curtailed, save the livelihood of so many teachers and their families, when the Government is, unjustifiably, to my mind postponing the District Board elections and preventing the electorate from exercising their mandate by sending fresh representatives, representatives who would truly represent their minds in the District Board and who would exercise popular control over the District Board administration. In fact they are taking over the administration of the district boards in the province into their own hands by postponing the elections and keeping

How far this department has proved useful in helping the poor people in these days of dire calamity. But it is a pity that these questions were never satisfactorily answered. Sometimes it was said that the answer was not ready. At other times we were sermonised that the result of the required information would not be commensurate with the labour, time and expenditure involved in its collection. And the answers that were given to certain questions of mine were vague, ambiguous and evasive. Anyway, I was told that there was not considerable difference between the sums advanced to and realized from the people of these famine-stricken areas, while in Hissar the co-operative societies realized more and advanced less. From this significant answer one can easily judge the extent of the useful work done by the Co-operative Department in those districts. Apart from this I put several other questions as to how many civil suits these societies have filed against the poor agriculturists, how many attachments and auctions have taken place and how many arrests have been made in the districts of Hissar, Rohtak and Karnal. These questions too were not answered by the Government. But just a few minutes before I got up to make this speech a statement showing the necessary facts and figures was made available to me. These statistics show that under the control of a single Assistant Registrar of Co-operative Societies a sum of Rs. 5,90,283 was realized from the poor debtors in the district of Rohtak. No less than 8,736 decrees were obtained from the courts against the agriculturists who are considered to be the backbone of the present Government. Again, 117 auctions have been made with the result that Rs. 8,740 were realized. Besides, 10 arrests were made. All this has been done under a government which never gets tired of claiming to be the sole protector of the rural community. You will be shocked to hear that the officers and subordinates who showed leniency or gave latitude to those famished people were either suspected or fined by the same Assistant Registrar. May I ask in all seriousness whether it is just and proper on the part of the Government to extend exemptions to such a light-hearted department which does not realize the gravity of the situation prevailing in those areas? Six years ago this department was bound to charge interest at not more than a fixed rate but to-day it is provided in the Bill that whatever rate it might fix would not at all be considered excessive. The statistics which I have just read out related to the district of Rohtak which has the honour to be the native district of the Honourable Minister of Development. Now, I come to the figures relating to the district of Hissar where famine is in full swing. Here the department has recently realized as big a sum as Rs. 98,445 from the poor people who are in the grip of a terrible famine. The acuteness of the poverty prevailing in that area can be judged by the simple fact that here people have been employed on relief work for only 5 or 6 pice a day. Not only that but as many as 155 decrees were brought into execution which realized Rs. 50,000. It is only by way of illustration that I am giving all these figures. Otherwise I am sure that even these figures are not correct and dependable, because it is the considered policy of the Government to conceal the real facts and not to give them publicity lest the public mind should be shocked to hear them. It is within the knowledge of the Government that in Rohtak and Karnal a great agitation is going on against the attitude of the said Assistant Registrar. Big posters were of late published, not by the Congressites or the critics of Governmen

[Pt. Shri Ram Sharma.]

policy, but by those poor people who are considered to be under the protection of the present Government—I mean the penniless Jats. This department has been mentioned as a *butcher khana* in those posters. People are often heard saying that the Government has set up a *butcher khana* in these districts for slaughtering the rights and properties of the poor zamindars. The other day in reply to a supplementary question the Honourable Minister of Development was pleased to say that he did not see the said poster at Karnal and that it was only after his return to the headquarters that somebody sent him one. He remarked that the said poster contained only three or four complaints of which one or two had been found to be baseless on enquiry and the others were under consideration. Thus he closed the whole matter by giving this vague and evasive reply. The conditions obtaining in my district are awfully disappointing. The poor people who find it impossible to repay their debts are put to great hardships. Their lands, property and cattle are attached and auctioned, and when the department finds that even attachments and auctions will not do, it leaves the real debtors and puts the halter round the necks of other men. The department catches hold of sureties without ascertaining as to whether the real debtors are in a position to pay the sum. In the beginning several societies were started by dishonest and corrupt people of my district. Their object was to become either a president or a secretary of the society. In this way these people, who are in fact the agents and minions of the Unionist party, began to play ducks and drakes with the public money. When they were asked to repay the sums advanced the societies were declared insolvent. Thus the defaulters escaped scot free and the poor and simple-minded members, who were ignorant of the implications of law, were made to return on the plea of joint responsibility. In short all such things were mentioned in those posters. Several persons have told me that they represented all these matters to the Premier and the Minister of Development but nobody even cared to acknowledge the receipt of their representations. I advised them not to squander money on postal stamps as nobody was prepared in the Cabinet to pay heed to their complaints.

My honourable friend Chaudhri Krishna Gopal Dutt has read out certain passages from the report prepared by Mr. Wace. But what does the latter know of the real conditions obtaining in the province? I have dwelt at length on the state of affairs prevailing in a single district. The conditions of other districts may be still worse. My honourable friend Rao Pohop Singh, who has made an irrelevant speech as usual has not shared my opinion that the co-operative credit societies should not be favoured with such exemptions. In fact he has suffered a lot being involved in an embezzlement case, and I have every sympathy with him. He had to undergo imprisonment in this connection. So his observations may be based on his personal bitter experience. But let me point out that no amount of appeals on our part would ever move the Government to effect any improvement in the conditions of these societies.

Now let me give you another instance of the arbitrary character of this department which is being given a free hand to fix any rate of interest that suits its purpose. The Government is held responsible for any infringement of rules which may have been committed by even a patwari or a constable.

When we put a question to this effect the Government favours us with an answer which may or may not be correct. But when we bring this fact to the notice of the Honourable Minister of Development, rather I would say Minister of debtor men, that a certain society or any officer of the department has acted in direct contravention of the spirit and letter of the law he at once closes the matter by saying that the Government has nothing to do with the activities of these societies and the officials. They are under the Co-operative Union. Whenever we have enquired about the malpractices committed by

2 p. m.

the department in question, Government have always endeavoured to shift the responsibilities to the Co-operative Union. My submission, therefore, is that it is no use passing this clause if Government will not take the responsibility of the omissions and commissions of these societies on their shoulder. So far as this department is concerned, I would say with all the emphasis at my command that their ways of lending money are defective and their position is no less than that of a paid agent of the Government. Sometimes the societies get their money back by beating their debtors. I know certain cases of this nature in which this department has infringed the law of the land. There were certain persons whose dwellings and lands could not be attached under the law but I have seen myself that they have been attached by these societies whose honesty the Government is so proud of. And the poor debtors could not afford to knock at the door of a court on account of their utter poverty. What I want to submit is that in spite of the fact that law is there the property of a poor debtor is attached and sold by co-operative societies. They have lost their credit on account of such unscrupulous dealings. I submit that the people have understood the value of this department, which is well-nigh a propaganda department in the hands of the Government to serve party purposes. The Government as a matter of fact use it for their political interest. The co-operative department has been doing work in my district as an agent of the Unionist Party. I may also point out that if in these co-operative banks deposits had not been made by the general public they would have become insolvent long ago. Under these circumstances I see no reason why this department should be exempted in this clause. With these words, Sir, I strongly support the amendment under consideration. I do not mind if the Government are not convinced enough by my remarks as I know they are like hardened criminals. However I have placed the facts regarding my district before you and I feel that I have done my duty by doing so.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*):

Sir, I have very attentively listened to the speech of my honourable friend Pandit Shri Ram Sharma. He has levelled many charges against the co-operative societies. Let me submit to him through you that as there are thousands of co-operative societies in the province it could be possible that a few of them might not have been working in an appropriate manner. It is not proper to condemn all of them. I admit there may be some black sheep amongst them. I may point out that black sheep are also found in the Congress Committees as Mahatma Gandhi has stated several times that there are certain persons in the Congress who are not genuine Congressmen, and they are not true to the Congress institution. We are to see whether the object of co-operative societies is good or bad, and whether a large number of

[Capt. Sodhi Harnam Singh.]

co-operative societies are working efficiently or not. I submit that their object is very laudable. It is to provide facilities to zamindars in taking loans at a very reasonable rate of interest. It is only these societies which protect zamindars from paying unreasonable interest to money-lenders. Besides, the management of the co-operative societies is in the hands of the zamindars and their representatives.

The object of clause 3 is that the maximum rate of interest should be fixed, that is, it should not exceed $7\frac{1}{2}$ per cent simple interest on recovered loans and $12\frac{1}{2}$ per cent simple interest on those loans which are not recovered. To-day the rate of interest charged by these co-operative societies is less than the proposed one. Some societies advance loans at 9 per cent and some at 7 per cent while certain societies which have considerable profits charge only 2 per cent interest. When the reserve of co-operative societies increases sufficiently they do not charge any interest. Just imagine, on the one hand zamindars are provided with so many facilities and comforts, and on the other money-lenders advance loans to them at the rate of 18, 20, 40 or 50 per cent interest. I know certain cases in my neighbourhood, where money-lenders give 10 maunds of wheat to zamindars for sowing purposes in October, and instead of 10 maunds they take 20 maunds of wheat from them in June next. It will be, therefore, much better if provision is made for the zamindars to get money at the rate of less than $12\frac{1}{2}$ per cent interest. The difficulty will thus disappear. This is exactly the object of the clause under consideration. I should like to submit that I advised my tenants that they should not borrow money from money-lenders as they charge very high rate of interest. If they require money they should have it from co-operative societies. I told them that they should not pay double the money to the money-lender when co-operative societies are there. They agreed with me. But later on they were persuaded by money-lenders who asked them not to borrow money from co-operative societies as they would entangle them and would leave no opportunity to attach their whole produce and animals. They came to me and refused to have any dealings with the co-operative societies. After some time when the Inspector of co-operative societies came to our village they refused to become members of the co-operative societies. I asked them where they would get money from to purchase sugarcane seed for the purpose of sowing sugarcane. They had been so much persuaded by the money-lenders that they said they would get it from *sahukars*. I tried to persuade them to get money from the co-operative societies but no argument affected them, and they gave no heed to any reasoning. I told them that each of them required Rs. 35 to purchase sugarcane seeds and they should bring so much money to purchase it from the Government Agricultural Farm. My tenants came to me the next day saying that the *bania* was prepared to lend them the required amount provided they pawned their ornaments with them and agreed to pay 25 per cent interest, to be recoverable at the coming harvest. It was then that they saw through the game of the *bania* and agreed to become members of the co-operative society and now they all appreciate it. Now they are carrying on quite well and none has any complaint against the co-operative societies. That is how baseless propaganda is being carried on against the co-operative societies by the interested money-lenders.

submit that the Government should take this step after very careful consideration. If the District Board cannot maintain these schools, it is the duty of the Government that they should sanction a special grant for the purpose. If they do not do so we would be forced to conclude that the propaganda which they are making for introducing primary education in the Punjab is merely a hoax. On the one hand, my honourable friends want to introduce primary and adult education and, on the other hand, they are closing down educational institutions. We cannot put up with this double dealing. It behoves the Government to adopt plain speaking about this matter. As a matter of fact the Deputy Commissioner has no sympathy for the education of the people of this district. He can very well be likened to that illiterate boy who did not know how to read and write and when anybody inquired from his father whether his son knew how to read and write or not, he replied that as regards reading and writing his son was very slow to pick up but he was an adept in effacing what he had written. The same is the case with the Deputy Commissioner. In fact the Government should have started more schools in the district, but what have they done? They have closed down even such institutions which already existed in the district. I, therefore, wish to tell the Government that if they have an iota of honesty in them they should come forward and sanction a special grant for the district. The result of stopping this education will be that the thing from which the Government is fearing will burst out all the more vehemently and they will enmesh themselves in fresh troubles. It behoves them to respect the sentiments of this district. If there is no political motive behind this action of the Government, I ask why did they postpone District Board elections? On the contrary, if my honourable friends want to frighten the people by indulging in such tactics, I may tell them that their desire will never be fulfilled. Even after this if they entertain such thoughts I may tell them that *اے جی ایم اے دے*. With these remarks I resume my seat.

Minister for Education (The Honourable Mian Abdul Haye): Sir, before my honourable colleague, the Minister for Public Works, replies to the debate, I would like to intervene at this stage. On a previous occasion when a similar motion was sought to be moved, I made an appeal to the honourable member to refrain from doing so. A similar appeal was made this morning and I found that the honourable member, who is responsible for this adjournment motion was willing to agree to the suggestion, (*Sardar Hari Singh*: Certainly not), but his hands were forced by his leader. On many a point I am at one with the mover of this adjournment motion. He has laid stress on expansion of education and the duty of the district boards and of the Punjab Government. He has also made an appeal on behalf of these unfortunate teachers—185 he has told us—who are threatened with unemployment and starvation. Government have every sympathy with these teachers. (*Hear, hear*). We want expansion of education. We do not want any person to be thrown out of employment unnecessarily; but this is not the only consideration. My honourable friend has quoted from my previous speech.

He was pleased to say that the Minister for Education on the previous occasion said that the Director of Public Instruction was going to Jullundur to set matters right. Now, Sir, if you recollect correctly, I did not say

[Minister for Education.]

anything of that sort. The resolution, which is the subject matter of this adjournment motion, was passed by the District Board on the 23rd January. We had no official intimation. We got some information from the press report and subsequently telegrams and letters of protest started to pour in and they continue to do so. I hold in my hand 4 telegrams received within the last half an hour. But, Sir, the resolution in question was passed by the District Board unanimously and we know that the honourable members sitting on the opposite benches are very jealous of the independence of the local bodies and time out of number they have criticised the Punjab Government for interfering with the working of the district boards. I had decided not to intervene in this debate and if I am doing so it is because I now realise that silence on my part is liable to be misunderstood in certain quarters. I hope all of us realise that the question before us is a delicate one. I have no intention to jeopardise the prospects of the success of the negotiations which are now taking place to have the matter amicably settled. The honourable member this afternoon has done a distinct disservice to the teachers by forcing the issue. My honourable friend, the mover of this motion tells us that the resolution was moved by the Deputy Commissioner. I see no harm in this for the Deputy Commissioner is also the President of the District Board. Then he said that nobody had the courage to oppose the Deputy Commissioner. (*An honourable member*: He never allowed anybody). He never allowed anybody. It was also said that one honourable member Chaudhri Muhammad Abdul Rahman Khan, wanted to say something and that he was gagged by the Deputy Commissioner. I think this information is not correct and my reason for saying so is that if this had been true he would have put notice of an adjournment motion. I find that the honourable member of the Opposition, who was supposed to have been gagged is absent to-day. Another honourable member has said that the District Inspector was allowed only a few minutes to represent his point of view. I hope this information is not correct. Anyhow, since this allegation has been made on the floor of the House, and as I am very jealous about the independence, honour and reputation of my educational officers, I will make necessary enquiries and take such suitable steps as the facts of the case may demand. I may however, state that that officer, who is now working as District Inspector in Jullundur is one of our best District Inspectors and he was specially selected to go to Jullundur. (*Hear, hear*). But, Sir, so far as the merits of the case are concerned, I hesitate to go into the details because anything that I say on the floor of the House as regards merits is likely to prejudice the prospects of an amicable settlement for which we are now making desperate attempt. The honourable member said that the Minister on the previous occasion gave an assurance that the Director of Public Instruction would be sent to Jullundur post haste to rectify the mistake and set the matters right. I never said anything to that effect. What I did say was that no time was lost in making necessary enquiries. Government is now in possession of certain information and has moved in the matter. I would not mention the details at this stage. (*Sardar Hari Singh*: You said that the Director of Public Instruction would go there.) What I said was that the District Board was holding another meeting within this month—and my information is that the meeting was

to be held to-day—and the matter was again to be mooted and I said that after the District Board meeting and in the first week of March the Director of Public Instruction would go to Jullundur and discuss matters with the Commissioner and, if need be, with other local officers and other members of the District Board and I stick to that promise even to-day. I am awaiting the results of the decision that may have been arrived at at the district Board meeting to-day and if in view of that decision it is desirable that we should take further steps, the Director of Public Instruction will go in the first week of March, or to be more accurate and precise, he will go on the 4th March and discuss the matter with local officers. But there are various aspects of this case. I would request the honourable member not to force me to discuss all these details here before the House. We are fully conscious of the facts of the case. We are trying to save the situation as best as we can consistently with the desire on the part of the district boards to manage their own affairs unhampered. I am not in a position to state that nobody will be thrown out of employment, I am not in a position to state that no school shall be closed. After all we must remember that at present as much as 52 per cent of total income was being spent on education alone. I entirely agree with the suggestion made by the honourable member that if at all it is necessary to cut down the expenditure, perhaps, it would be desirable to go slowly, to spread it over a certain number of years and to give opportunities to such local bodies in whose jurisdiction certain institutions are at present situated to take over those institutions. It is all very well for the honourable members to say: "why do you not now, here and to-day provincialise all those institutions?" Honourable members are aware that there we have no provision in the budget for this purpose. How can the Punjab Government provincialise six institutions without funds? The Government is very keen to spread primary education and to spread mass literacy. Government is not very keen about secondary and college education. In saying these few words let me point out that the Government has not made any commitment. We are trying to do what is best under the circumstances for Jullundur, the people of Jullundur and the District Board of Jullundur, if only the honourable members will allow us to do our duty. I have nothing more to say. (*Cheers.*)

Lala Bhagat Ram Choda (Jullundur, General, Rural), (*Urdu*): Sir, the adjournment motion moved by my honourable friend Sardar Hari Singh is of great importance. At a time when the whole country is making strenuous efforts for the liquidation of illiteracy it does not seem proper on the part of the Government to allow such things to happen under its very nose. It is a pity that the educational policy of the Government has failed to prove satisfactory. The Honourable Minister of Education was pleased to introduce the Primary Education Bill in the House last year but in spite of the fact that the principle underlying it has the fullest support of the Opposition it is still hanging fire. And nobody knows for how many more years it will drag on. Ever since its introduction several other Bills have been enacted and given effect to but this particular Bill which was of no less importance is being shelved for another couple of years. As a result of the postponement of its passage the public is at tenterhooks to know as to what the Government really intends to do in the matter

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

Lala Bhagat Ram Choda : I am coming to that, Sir. Whenever any suggestion, howsoever useful it may be, is made by the Opposition it is ruthlessly turned down by the Government. They are in the habit of smelling a rat in every proposal that we put forward. This attitude of the Government reminds me of a refractory woman who always disobeyed her husband. Whenever he asked her to take bath she at once refused to do so. If he requested her to take her meals she declined to comply with his request. And if he advised her not to take bath she immediately took it. In short she always disappointed her husband and was ever ready to undo what had been done by him. Once it so happened that the woman was drowned in a river. The poor husband went upstream in order to find her body. A passer-by asked him as to what he was doing. He said "I am in search of the body of my wife who was just drowned down stream." "Poor fellow" replied the man, "go down stream and search for her there. How could her dead body float upstream?" "She had been a recalcitrant wife throughout her life" the poor husband ejaculated, "and I doubt very much that she could possibly yield to the Laws of Nature after her death." Similarly this Government is repugnant to all sense of logic like that shrewish woman. (Laughter.)

Now, Sir, in the Jullundur district the sub-soil water level has considerably gone down. The humidity of the soil is decreasing day by day and the crops are frequently failing in that *ilaga*. The only saving feature was that education was easily available in the district, and the people could earn their livelihood by getting educated. But it is a pity that they are being deprived of even that single advantage that they could boast of. We are often told that the Government is going to materialize the Bhakhra Dam Scheme which would improve the lot of the residents of that district. We are not sure whether that project will ever be started or not, but of this much we are sure and certain that the stream of education which was flowing in Jullundur is being dried by resorting to such measures. The term of the District Board, Jullundur, has been again over, but the Government is not prepared to hold elections to it. So far as this District Board is concerned these elections have been postponed more than once. Now it has been decided to postpone the elections throughout the province. In fact the Government knows that the present loyal members would not be able to get themselves returned again. The members of the Jullundur District Board are so dutiful that they dispose of the whole agenda within 15 minutes. When the members are informed that the Deputy Commissioner wants a particular thing to be done they at once comply with his wishes. Once an honorary magistrate had the audacity of criticising a proposal of the Deputy Commissioner and the result was that the poor fellow had to lose his office. The Honourable Minister has been pleased to hold out certain hopes and promises to us but we are sure that they would remain unfulfilled as usual. The conditions obtaining in the District Board, Jullundur, are getting worse day by day. My honourable friend Mian Abdul Rab has rightly remarked that practically a reign of lawlessness is prevailing there. I would request the Government to take time by the forelock and

try to improve those conditions. By reducing the salaries of the experienced and trained teachers to Rs. 10 or Rs. 12 you are compelling them and their dependents to die of starvation in these days of scarcity and famine. Apart from the teachers, there are students who deserve favourable consideration at the hands of the Government. By closing a number of schools these students would be made to suffer a lot. The lot of the girl students would be even worse than that of the boy students. The only course now left open to them is to invoke the help and protection of Mrs. Shah Nawaz. In short the students as well as the teachers deserve sympathetic consideration of the Government. Let my honourable friends opposite know that by closing these rural schools the whole brunt of this economy measure would fall direct on the rural population. There is a lower middle school at Allawalpur on the rolls of which only 5 per cent students are non-agriculturists. Now this school is going to be closed. I ask the Government as to whether it is not incumbent on it to cater for the educational needs of those people from whom it realizes local rates. If the financial condition of the district board is not so sound let the Government come forward and take over the charge of these schools. If the school at Allawalpur is closed there would not remain any institution within a radius of 10 miles and if the school at Kartarpur is also closed then this radius can safely be said to have been extended to 25 miles. I am free to admit that there is a denominational school, but the people of other religions do not like to send their children to this school. At the end, I request the Government to direct the District Board to revise its decision so that a large number of teachers may not be thrown out of work.

Sardar Sampuran Singh (Lyallpur West, Sikh, Rural) : This is a case in which we practically all agree so far as the facts are concerned. We have already heard two speeches from the Government side and one of them was by the Honourable Minister for Education. He even joined issue so far as the question of facts was concerned. Judging from the facts as we have learnt them from the honourable mover and the honourable member from Jullundur we know that the matter is very serious. It is not only a question of the livelihood of about 200 teachers, but it is also a question of practically withdrawing all the facilities for educating the rural areas in that part of the country. Besides, what astonishes me the most is the anxiety of the Government to hide the facts in this matter. They seem to admit that the matter is very serious. They do not say it in so many words, but by implication they are making it very clear that they feel that a great wrong step has been taken.

Minister for Public Works : Who said that ?

Sardar Sampuran Singh : If I am not mistaken even this morning the Honourable Minister's own remarks clearly indicated that the situation was very serious, but he was trying to make us delay in bringing in this motion for a couple of days with a view to remedying the trouble in the meantime.

Minister : I did not say anything on the merits of the case.

Sardar Sampuran Singh : I know he will not say anything to-day because he is afraid. That is what I was going to submit, and what astonishes me in regard to this matter is the anxiety of the Honourable Minister and yet his desire to put off this motion. The matter is quite simple. There is a Deputy Commissioner at Jullundur who, as we all know and perhaps the Ministers also know, is a very headstrong man and is in the habit of doing things in his own way. (*Interruptions.*)

Mr. Deputy Speaker : No interruption please.

Sardar Sampuran Singh : But these people understand him and know him well. As a matter of fact he was originally in another line and his officers did not think him suitable for the post he was holding and he was transferred to the executive side, and I am afraid in a short time he will make it very hot for the Ministers. They however seem to be so weak, not callous I hope, in this matter, they seem to be imbeciles and they cannot gather courage to remedy the mistake which he has committed. They have postponed the elections of the district board in that district, because they are quite satisfied with the present members of that board. I assure them that the majority of the members of that board are zaildars, lambardars, honorary magistrates, sub-registrars and all those people upon whom the Ministers can fully depend. Even if they had thrown out a hint to them to rectify this mistake, I am sure the district board would have done the needful. But it is the weakness of the Minister concerned who does not support them to enable them to take the right action in this matter. I am not so sorry for the action which the Deputy Commissioner of that place has taken because nothing better could be expected of him, but I feel very much ashamed at the weakness of our own Ministers who feel so afraid and shy in moving in this matter at the right time and in the right direction.

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 Nawabzada Major Malik Khizar Hayat Khan Tiwana) : Sir, this morning I had pleaded for time and the object was that we might not have fruitless and wandering debate and I might not be in a position to give some facts in connection with this affair to the House. But the Opposition in its wisdom sought to force the adjournment motion for discussion to-day. I had promised that a short notice question on the subject would be accepted and when I got the necessary information I would answer the question.

An Honourable Member : But we have already got the information.

Minister : The honourable member may have got certain information, but I cannot accept that information as the official information or as the correct information. (*An honourable member :* Which is always wrong). I have to depend on what source of information I have officially available to me. But, Sir, it was said that we must have this discussion to-day. Anyhow as I had predicted, the debate has proved useless and fruitless. As

far as the general educational policy is concerned, my honourable friend the Minister for Education has put forward his views. As far as I am concerned, I must say that I fail to see what responsibility of Government is involved at this stage. The Jullundur District Board is an autonomous body consisting of a majority of elected members. They have for reasons which they consider suitable come to a particular decision. The present Government is only concerned on the interference side. If a case is made out for Government to interfere, then Government has to consider that at a later stage, but no such reference has so far been received by Government. I am very jealous of the rights of local bodies. As a matter of fact I have so far considered my honourable friends also very jealous of the rights of these local bodies as they have always agitated if there is the least interference, but to-day they seem to have forgotten all that and those champions of local self-government and democracy are urging Government not even to wait for facts, not even to give the District Board a chance to give its explanation, but to post haste upset the decision of the local body. We must wait. Correspondence is already going on. The question has to be considered by the Government and when the time comes for Government to decide, we shall decide in that particular case as we deem best and in the best interests of the local body as well as the inhabitants of Jullundur. The District Board of Jullundur has for some years been keeping up a top heavy expenditure on education, partly undertaken in the years of much greater prosperity than the present and partly added up to it bit by bit by the pushing representatives of the Education department. In the present year the Inspector of Schools submitted proposals which, if accepted, would have consumed more than half the income of this local body. The question was considered. After all the object may be a very laudable one, but a rupee cannot be made into a rupee and a half, and funds are limited as far as the local bodies are concerned.

These district boards have not only education to look after. They have other equally essential responsibilities such as medical relief, roads, veterinary, etc., etc. So they have to strike a happy mean between their various responsibilities. I would not here like to say anything on the merits of this particular percentage because that is yet to be examined by Government, but the object of these local bodies is as far as possible to decide a happy mean as to what should be their proportionate expenditure on these various phases. They have come after careful consideration of these factors to the conclusion that they have been spending more on education and that they should cut down the expenditure on that subject.

So instead of the 52 per cent expenditure they have cut it down to 27 per cent. I am not here sitting in judgment over the people's elected representatives nor am I prepared to concede that a gentleman coming from Lyallpur knows more about Jullundur than the elected representatives of Jullundur itself. If at all, I can call the interference of honourable members in this debate as unnecessary interference. We have been told that they have cut down the percentage from 52 to 27½ per cent. Again I would not say anything on that point. It is yet to be considered by the Government. All I would say at present is that these local bodies are required to spend up to a certain percentage on education so that it does not encroach on other

[Minister for Public Works.]

activities and does not adversely affect the particular department to which it relates. In pursuance of this resolution which was passed on the 23rd of January, the finance committee of the district board considered the matter and after considering it, have come to the conclusion that there were certain educational activities of the board being carried on in non-district board areas, that is areas where there are separate local bodies and where the district board is not primarily concerned. They have, therefore, decided to close down the schools there instead of in the district board area. There again I am not going into the details. I would maintain there is considerable force in this view of the district board. While I do not say that the schools should be closed—perhaps a way could be found by which these local bodies who are primarily concerned and responsible for these schools can come to some settlement—the District board has got a good case. I would not say anything further because that might prejudice our subsequent consideration of the case. So these are matters that have still to be gone into. Perhaps honourable members later on, when this matter is considered, may come to the conclusion that some *via media* might be found which may not adversely affect the district board or the education department and by which the people will not suffer and the district board will be able to adjust its finances. The budget of the board has yet to be considered by the commissioner and I may further state, as my honourable colleague has stated, that perhaps the matter is to be considered by the district board to-day. I cannot say at this stage what decision they have come to. But the Director of Public Instruction is going there, as I have already stated, on the 4th March to discuss this question and so I would say that the issue before the House is premature. I am not prepared at this stage to interfere when these negotiations are going on. As a matter of fact, no case has been made out. If the negotiations fail and the question is referred to the Government, we will then consider what is the best course to adopt. As the Honourable Minister of Education stated, we have on the one side to be zealous of the spread of education and on the other, we cannot have bankrupt local bodies. Further more we have to look after and care for the rights of the local bodies and not unduly interfere with them. We will have to find a *via media* between all these conflicting aims. So let us wait and if eventually there is no settlement arrived at and if the district board pursues what has been decided and if after getting the full data Government comes to the conclusion that there is a case for interference, then it will interfere; otherwise it will not interfere. At present the question has not been considered in all its aspects, nor have we got the full data. All I would say at the present stage is that Government reserves to itself the liberty of action in this matter.

Appeals have been made by Sardar Hari Singh as to the future of the teachers. Being an honourable member of that fraternity himself, he naturally has a soft corner for all of them. (Sardar Hari Singh: I have got a softer corner for you.) (Laughter). I can equally say that I have got even a softer corner for my honourable friend, particularly when he is pleading a weak case. He has referred to the promises made by us and the position with regard to that has been made clear by my honourable colleague. Reference has been made to the notices given and it was asked, "why

were these notices given while the matter is under negotiation ? " Well, the resolution of the district board is there unless rescinded and perhaps notices have been issued in pursuance of that resolution of the district board. Then it was said that the chairman of the district board himself moved the resolution. If the chairman moved the resolution, where is anything wrong ? The chairman is there with the consent of the district board and elected by the district board or in some cases appointed after a resolution passed by the majority of elected representatives. So he has a right to move the resolution. It was said that the Deputy Commissioner gagged the opposition members in the district board and particularly an honourable member of this House. If that is the case, I do not know whom to believe. Certain honourable members have asserted that there were cowards who could be gagged after they have been elected. On the other hand, Master Kabul Singh has asserted that Jullundur was the land of heroes. (*Laughter*). So there is some deplorable inconsistency and I do not know whom to believe in this matter. I was dealing with the educational aspect and I say that we are as anxious to educate the people as anybody else so far as funds permit. There is that reservation which must be borne in mind.

Then, Sir, it was said that district board elections have been postponed. Yes, they have been postponed. I do not understand how that affects the present issue.

If the board is going on say for more than three years, am I to presume that those elected representatives have ceased to be the elected representatives ? (*An honourable member : Yes*). Then that means that from April onwards my friends opposite will have no cause to sit in this House and they should run away because they would have completed three years by that time. (*An honourable member : Perhaps you are right*). I do not agree.

Diwan Chaman Lall : May I interrupt my honourable friend ? The Opposition is willing, wanting, most desirous, if my honourable friends will go in for a general election now. (*Hear, hear and applause*).

Minister : That is not, I am afraid, the issue. All that I was trying to explain was—we might go to the polls to-morrow if necessary—but all that I was saying was that if the Jullundur district board after having lived its life of three years, ceases to represent the people in the fourth year, then for that reason the honourable members opposite would not be in the next year representatives of their constituencies. That would be the result of their argument.

Then, Sir, I was told that there was a dispute between the Director of Industries and the Deputy Commissioner. Nothing of the sort has been brought to my notice, nor do we expect wrangles between our senior district officers. As I have said we have not got necessary information on these details and the Government will consider the matter when we get the information. Then Master Kabul Singh asked why do we not rush forward with a special grant to take over these schools for the time being when the district board is not financing them ? He conveniently forgets that Government has to apportion expenditure between various departments and various districts. There are

[Minister for Public Works.]

hundreds of places elsewhere and a number of backward districts where if money were available it could be spent with greater advantage. But, Sir, the issue is different. Are we so easily to condemn the people's representatives without giving them a chance to explain their case, without allowing them to talk with the representatives of the Education Department? Without knowing full facts, can we, as guardians of local self government and democracy, as honourable members opposite are also supposed to be, send an order that a resolution passed by the district board unanimously stands cancelled? Is this the object of the honourable members? Is that the way that they will work democracy and local self government when they come into power? We have said that all these questions will be considered in all their aspects, the teacher's future will be considered, the education of the tract will be considered, the views of the representatives will be considered and then and then alone would the Government decide one way or the other.

Sardar Sohan Singh Josh : And the mountain in labour will produce a mouse!

Minister for Education : And we will call it Josh. (*Laughter*).

Minister for Public Works : One thing more and I will conclude my remarks. The Deputy Commissioner was attacked. I think it is not in good taste that honourable members should attack officials who are not present here and are not able to defend themselves. Without knowing facts and perhaps only hearing of things about which they know nothing they have come and suddenly attacked the Deputy Commissioner.

Sardar Sampuran Singh : How does he know that it is only hearsay?

Minister : Did the honourable member go to Jullundur?

Sardar Sampuran Singh : Yes, only three days ago.

Minister : The incidents referred to happened on the 23rd of January. I want to have a written statement from the honourable member to the effect that he has personal knowledge of the facts, otherwise I am afraid I must call it hearsay.

Sardar Sampuran Singh : But the Honourable Minister is also guilty of hearsay.

Minister : Yes, I am.

Sardar Sampuran Singh : That is not hearsay. The Honourable Minister does not understand the meaning of this legal term.

Minister : Is documentary evidence and information received from official sources also hearsay of the kind that a member possesses? The member gets his information when he is either on a business trip or a pleasure trip or I do not know what was the purpose of the honourable member's visit. Whatever he heard during the days of his stay there, he has come back and told the House, just as we get books written by American tourists on India. All I said was that the things under discussion occurred on the 28rd of January. If the honourable members from Jullundur can say anything I may not contradict them.

Sardar Sampuran Singh : I have been to Jullundur three times since these incidents have taken place. Have you been there even once?

Minister : The honourable member after having a fling at the Deputy Commissioner went on to attack members of the district board. He called them zaildars, sub-registrars, honorary magistrates and lambardars, as if they were of no consequence and not elected representatives.

Sardar Sampuran Singh : They all obey your orders.

Minister : If they obey our orders that shows good discipline in our ranks. But I am sure they have got the courage of their convictions. It is, therefore, not right to say that these people are not people's representatives or we should not have due regard for their opinion. As a matter of fact, they have reached these responsible positions because they are the pick of society in their areas. Honourable members who have heard some of these members of the district board here know their responsibility and I would not say anything more on this subject. All I have to say is that this issue has been forced prematurely on us. We cannot come to a decision unless we have facts and when the facts are available, the Government will consider the matter in all its bearings and will try to arrive at a just decision, though I hope some sort of amicable settlement may be arrived at earlier. If there is a delay it is not because we do not care what one officer thinks or the other thinks, it is because we are jealous of the rights of the elected representatives of the people on these local bodies and it is only for that reason and that alone that we are not hurrying up matters.

Sardar Hari Singh (Kangra and Northern Hoshiarpur, Sikh, Rural) : Mr. Deputy Speaker, we have heard speeches from the treasury benches, one by the Minister in charge of the Education Department and the other by his colleague in charge of the Department of local bodies. Let me first deal with the observations made by the Honourable Minister for Education. He said, and when he said he made a mis-statement, or he misunderstood me, that I was willing in the morning to give up the matter, but my hands were forced. As if the Honourable Minister knows my mind more than I know it. At that very time I categorically denied that statement. No power on earth can force me against my conscience (*Hear, hear*). How was it that I left the matter to be decided as to whether to take up the motion to-day or to postpone it till a later date in the hands of the acting Leader of the Opposition? Only because he was not allowed to have any say in the matter and I left the matter to him to decide so that he may have an opportunity to express his opinion. I am pleased to hear from the lips of the Education Minister that he completely agrees with us in two matters. One, that he is as keen for the spread and expansion of education in the province as we are and I am glad that he has given us to-day the credit for the desire for the spread of education in the province. Secondly, that he has got as much sympathy for these poor teachers on whose heads the sword of Damocles, sword of starvation is hanging. But may I ask him what concrete steps does he desire to take in order to save these 185 teachers and their families from sure starvation after the 24th of May next and to nip the mischief in the bud in time?

Earlier in my speech I said that when I sought the leave of the House for a similar adjournment motion the other day the Education Minister made a promise that the Director of Public Instruction would go to Jullundur and set matters right. The Education Minister now tried to contradict that statement of mine. He said that he never made any promise of that

[S. Hari Singh.]

sort. He averred that he did say that the Director of Public Instruction would go down to Jullundur but that he never said that the Director would set matters right. I have sufficient regard for the Director of Public Instruction for his sense of responsibility, for his sympathy for the teachers and for education in the province. I have sufficient regard for his intelligence and for his sanity of views and when the Honourable Minister said that the Director would go to Jullundur in connection with this matter, I thought, and I was right in thinking, that he was going to set matters right and not to worsen the situation nor to bungle the situation. So, it was quite unjustified on the part of the Education Minister to take umbrage at my statement that he said that the Director would set matters right.

Much store was laid by the fact that the district board is an autonomous body and that this side was very jealous of the rights, powers and privileges of the elected representatives of local bodies. I will come to that point a little later. But the Minister said that this resolution was passed unanimously, all members standing in awe of the chairman of the district board who was also the deputy commissioner of the district. Perhaps my honourable friend has not got experience of the working of district boards. He has got experience of the working of municipal committees, having been the chairman of the municipal committee of Ludhiana. (*An honourable member*: He has been a member of the district board also). If he was, then he must have been an absentee member. But let me tell the House an instance to show how the zaildar member of a district board has simply to obey the deputy commissioner who may happen to be the chairman of the district board also. Some years ago a zaildar member of the district board of Hoshiarpur had the courage to put a certain question regarding teachers employed by the district board. The deputy commissioner who was the chairman said that he would answer the question if the questioner would see him in his bungalow. The zaildar thought that probably the answer was not ready. So he went to the deputy commissioner's bungalow to get an answer to his question. The deputy commissioner showed him the courtesy of giving him a seat and then said to him, "Zaildar Sahib, do you want an answer to the question you put at the district board meeting or do you want your zaildarship? First answer my question and then I shall answer yours." This is how the district boards are being administered by the deputy commissioners.

Minister for Public Works: The honourable member has narrated a story quite suited to the present hour, that is, quarter past eight. But may I know how he came to know this story? Was he told by the zaildar?

Sardar Hari Singh: The Honourable Member may rest assured that I never tell such stories without being quite sure of their correctness.

Khan Bahadur Nawab Muzaffar Khan: What is the source of my honourable friend's information?

Sardar Hari Singh: The Minister said that the Congress people always cry against Government's interference in the working of autonomous bodies. We never complain against interference by the provincial Government in the working of district boards or other local bodies whenever such interference is justified. No doubt we have been crying against

the Governor interfering in the day to day administration of a cabinet responsible to the electorate. All Congress organisations have been crying against that and it was only on the assurance of the Governor-General that the Governors would not unduly interfere in the day to day administration of the working of autonomous cabinets in the provinces that the offices were accepted. But in the present case where as many as 185 teachers are going to be retrenched all of a sudden by one stroke of the pen and when starvation is staring them in the face, we call on the Government to do their duty. They say, "what responsibility in the matter have we got?" I say that the Government have double responsibility. The first is the moral responsibility. That responsibility lies in the fact that the Ministers as human beings must have sympathy with their human brethren who are going to be turned out of employment to swell the ranks of the unemployed with starvation facing them. Secondly, they have got a statutory obligation. That obligation is imposed by section 39 of the District Boards Act. The District Board of Jullundur has passed a resolution effecting a drastic reduction of 50 per cent in the education budget. Section 39 of the District Boards Act lays down that any sudden or big change or any objectionable feature of a district board budget may be objected to by the commissioner and the budget may be sent back to the board. (*Interruption*). It is his duty not to wait till matters reach his hands, but to take his stand under section 39, call for the proposals of the district board and to discuss things with the chairman or the deputy commissioner. When he knows that the public is agitated, when he knows that the teachers are agitated, when he knows that this House is agitated, when he knows that the Press is agitated, it is his duty under section 39 of the District Boards Act to object to the proposal of the district board. Further, it is the duty of the provincial Government to call for the files, to call for the proposals and then to take objection and to ask the district board to remove the objections and to set matters right.

It is his duty, not only moral duty, but statutory obligation to the teachers, to the children, to the people, to the electorate of Jullundur. It was the Deputy Commissioner who moved the resolution. The whole show in the District Board of Jullundur is being run by the evil genius of the Deputy Commissioner. This evil proposal of 50 per cent. reduction, the dismissal of about 200 teachers, was the conception of the evil genius of the Deputy Commissioner, who is running the whole show in the District Board. It was put from the Chair with the set purpose that there may be no discussion and no opposition at all and that he may have a smooth sailing. The honourable member, Chaudhri Abdul Rahman Khan, who had been gagged is not here. He has gone out on an un-official business. He told me in the lobby, that he spoke only for one minute when the Deputy Commissioner pulled him up and asked him to sit down. The Deputy Commissioner told Chaudhri Abdul Rahman Khan that he did not want to hear any sermon from him. Now, my honourable friend the Tiwana is talking of autonomy in the District Boards. He is really very jealous of local body autonomy on the floor of this House; but he has taken the dictatorial power in his hands by postponing the election of the District Board of Jullundur for one year. Again after one year he will come forward and say that the war is on and the election should be postponed further and that

[S. Hari Singh.]

they are utilising all their energy for the prosecution of war. Is that the argument—

Mr. Deputy Speaker : The honourable member's time is up. The question is—

That the Assembly do now adjourn.

The Assembly divided : Ayes 17, Noes 40.

AYES.

Ajit Singh, Sardar.
Bhagat Ram Choda, Lala.
Bhagat Ram Sharma, Pandit.
Bhim Sen Sachar, Lala.
Chaman Lall, Diwan.
Hari Singh, Sardar.
Harjab Singh, Sardar.
Kabul Singh, Master.
Kartar Singh, Sardar.

Muhammad Nurullah, Mian.
Mula Singh, Sardar.
Partab Singh, Sardar.
Rur Singh, Sardar.
Sampuran Singh, 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 (Gurgoon).
Ahmad Yar Khan, Chaudhri.
Amjad Ali Shah, Sayed.
Bhawant Singh, Rai.
Faqr Hussain Khan, Chaudhri.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
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.
Hans Raj, Bhagat.
Jafar Ali Khan, M.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Kishan Das, Seth.
Maqbool Mahmood, Mir.
Mubarik Ali Shah, Sayed.

Muhammad Ashraf, Chaudhri.
Muhammad Hayat Khan Noon, Nawab Malik Sir.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Muzaffar Khan, Khan Bahadur Nawab.
Nasir-ud-Din, Chaudhri.
Nasrullah Khan, Rana.
Pir Muhammad, Khan Sahib Chaudhri.
Pohop Singh, Rao.
Pritam Singh Siddhu, Sardar.
Ripudaman Singh, Rai Sahib Thakur.
Shahadat Khan, Khan Sahib Rai.
Shah Nawaz, Mrs. J. A.
Sikander Hyat-Khan, The Honourable Major Sir.
Sultan Mahmood Hotiana, Mian.
Sumer Singh, Chaudhri.
Sundar Singh Majithia, The Honourable Dr. Sir.
Tikka Ram, Chaudhri.
Ujjal Singh, Sardar Bahadur Sardar.

The Assembly then adjourned till 12 noon, on Tuesday, 27th February, 1940.

PUNJAB LEGISLATIVE ASSEMBLY

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Tuesday, 27th February, 1940.

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

STARRED QUESTIONS AND ANSWERS.

AMRITSAR MUNICIPAL COMMITTEE.

***5118. Sardar Hari Singh :** Will the Honourable Minister for Public works be pleased to state whether the Government has under consideration revision of the constitution of Amritsar Municipal Committee; if so, on what grounds and in what respect?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : It is proposed to revise the constitution of the Municipal Committee of Amritsar for the following reasons :—

- (a) increase in the municipal population, and
- (b) extension of the municipal limits.

CONSTITUTION OF THE SIMLA MUNICIPAL COMMITTEE.

***5123. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state whether the Government has under consideration the constitution of the Simla Municipal Committee; if so, in what respects and to what extent?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

The honourable member is referred to Punjab Government Notification No. 1909-S. C.-89/5157-S., dated the 19th August, 1939, which was published in *Punjab Government Gazette* (Extraordinary), dated the 21st August, 1939.

APPOINTMENT OF SUB-REGISTRAR FOR DISTRICT SIALKOT.

***5135. Sardar Hari Singh :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether he has received recommendations from the local officers for the appointment of Sub-Registrar for district Sialkot; if so, date when he received these recommendations;

[Sardar Hari Singh.]

(b) when the Government decision in the matter is likely to be taken ;

(c) reasons for the delay in the matter ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) Yes ; on the 6th January, 1939.

(b) Government have already decided the matter,—*vide* Punjab Government Notification No. 82-M.-39/24872, dated the 26th July, 1939.

(c) Does not arise.

Sardar Sohan Singh Josh : Who has been appointed as the sub-registrar of that place ?

PROHIBITION OF BEGAR AND OPENING OF PUBLIC WELLS TO HARIJANS.

***5218. Pandit Shri Ram Sharma** : Will the Honourable Minister for Public Works be pleased to state—

(a) in how many and which districts of the Punjab prohibition of *begar* and opening of public wells to Harijans has been announced by the beat of the drum ;

(b) in how many and which districts signboards have been fixed on public wells for this purpose ;

(c) the reasons for not taking any suitable action in this connection in the district of Rohtak ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Government did not consider it necessary to make announcements by beat of drum that public wells are open to all classes of the public including the scheduled castes, since orders had been issued to put up notice boards on all public wells to the effect that they were open to all classes of the public including the scheduled castes. Announcement of the prohibition of *begar* has been made by beat of drum in all the districts of the Punjab except Hoshiarpur and Jullundur. In Hoshiarpur district village officials have been informed and the orders are generally known. In Jullundur district announcement was made in each zail meeting in the tehsil and the orders are now known in every village.

(b) A statement is laid on the table.

(c) Does not arise, as signboards have been fixed on public wells in the Rohtak district.

Statement.

Serial No.	Name of district.	Whether sign boards have been fixed on public wells announcing that they are open to Scheduled castes.
1	Hissar	Yes, by all local bodies except the Municipal Committees of Hansi and Hissar.
2	Rohtak	Yes.
3	Gurgaon	In a few places only.
4	Karnal	Information is not yet available.
5	Ambala	Not yet.
6	Simla	There are no wells in this district.
7	Kangra	Steps are being taken.
8	Hoshiarpur	Yes.
9	Jullundur	Yes.
10	Ludhiana	Yes.
11	Ferozepore	Yes.
12	Lahore	No.*
13	Amritsar	In some cases only.
14	Gurdaspur	In some cases only.
15	Sialkot	Yes.
16	Gujranwala	In some cases only.
17	Sheikhupura	Not yet.
18	Gujrat	Yes.
19	Shahpur	No.*
20	Jhelum	No.*
21	Rawalpindi	No.†
22	Attock	No.*
23	Mianwali	No.*
24	Montgomery	Yes.
25	Lyallpur	Yes. It is being done.
26	Jhang	No.†
27	Multan	Yes.
28	Muzaffargarh	No.*
29	Dera Ghazi Khan	No.‡

*There is no necessity, as there is no restriction on members of scheduled castes in this district.

†There are no scheduled castes in this district.

‡The number of scheduled castes in this district is small.

Pandit Shri Ram Sharma : May I know the agency which makes the arrangements for making such announcements by beat of drum ?

Parliamentary Secretary : If the honourable member wants detailed information he should kindly give me notice.

Pandit Shri Ram Sharma : May I know from the Parliamentary Secretary whether the wells belonging to local bodies are also included in the definition of public wells ?

Parliamentary Secretary : Yes.

Pandit Shri Ram Sharma : May I know on which wells such signboards have been fixed ?

Parliamentary Secretary : It is not possible to give the details. If the honourable member wants the names of all the public wells or the names of villages in the Rohtak district, he will kindly give me notice.

Pandit Shri Ram Sharma : May I know the number of wells in the Rohtak district on which such signboards have been fixed.

Parliamentary Secretary : So far as Rohtak district is concerned on all public wells signboards have been fixed up, but I do not know the exact number.

Pandit Shri Ram Sharma : May I know the number of public wells in the Rohtak district ?

Mr. Speaker : This question has already been asked three times in one or another form.

Pandit Shri Ram Sharma : No, Sir. In my first question I inquired on which wells signboards have been fixed. In my next question I inquired the names of public wells only.

Parliamentary Secretary : I require notice for that.

CHAUKIDARA SYSTEM IN MUNICIPAL AND SMALL TOWN COMMITTEES.

***5234. Pandit Shri Ram Sharma :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the names of the Municipal and Small Town Committees in the districts of Rohtak, Gurgaon, Hissar and Karnal, where the chaukidara system still continues and the financial burden in this connexion is borne by the committees ;
- (b) whether there are any committees in the aforesaid districts which are exempt from this burden ; if so, the reasons therefor ;
- (c) whether the Government has considered to bring all the committees on the same level in this matter ; if not, the reasons for this differentiation ;
- (d) whether it is a fact that Bahadurgarh (Rohtak) Municipal Committee has many times represented to the Government for exemption from this burden ; if so, with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) and (b) A statement is laid on the table.

(c) Yes. The proposal to substitute regular police for town watchmen was abandoned for want of funds.

(d) Yes. For the reason given in answer to part (c) no action could be taken.

Statement.

PART (a).

The chaukidara system exists in, and the financial burden is borne by, the following municipal and town committees :—

Serial No.	District.	Name of municipal committee.	Name of town committee.
1	Hissar	Hissar, Hansi and Sirsa ..	Dabwali, Kalanwali, Budhlada, Jakhal and Tobana.
2	Rohtak	Bahadurgarh and Gohana	Mehm.
3	Gurgaon	Hodal	Hidayatpur Chhaoni, Sohna and Farrukhnagar.
4	Karnal	Shahabad and Thanesar ..	Ladwa, Radaur and Pundri.

PART (b).

The following committees are free from financial burden, as the police arrangements in these towns are adequate :—

Serial No.	District.	Name of municipal committee.	Name of town committee.
1	Hissar	Bhiwani .. ..	..
2	Rohtak	Rohtak, Jhajjar, Beri and Sonapat.	..
3	Gurgaon	Rewari, Palwal, Faridabad, Firozpur Jhirka and Ballabgarh.	..
4	Karnal	Karnal, Panipat and Kailthal.	..

Pandit Shri Ram Sharma : The statement which has been supplied to me says that in eight municipal committees and small town committees where chaukidara system is in vogue the expenditure is borne by the local bodies themselves, but in the case of others the arrangement has been made by the Government. What is the reason for this ?

Parliamentary Secretary : Financial difficulty.

Pandit Shri Ram Sharma : May I know why the question of financial difficulty does not arise in the case of those eight local bodies but arises in the case of others ?

Parliamentary Secretary : There are other municipalities and local bodies too in other divisions which bear the cost of watchmen but it is not possible for provincial Government to undertake any further financial burden on account of financial stringency.

Pandit Shri Ram Sharma : May I know whether the financial condition of municipal committees and small town committees which bear the expenses of watchmen is sound as compared with others which have been exempted from it ?

Parliamentary Secretary : The whole question is under consideration. But I have said that on account of financial difficulties the Government cannot undertake further financial burden.

Pandit Shri Ram Sharma : May I know whether all the local bodies are faced with financial difficulties or only those which are mentioned by the Parliamentary Secretary ?

Parliamentary Secretary : Not all, but the honourable member must know that if police arrangements are to be made by Government Government will have to bear the cost. Now some local bodies are bearing the cost of these watchmen. On account of financial difficulties, Government is not in a position to bear any further financial burden.

Pandit Shri Ram Sharma : May I know if the chaukidara tax in the beginning was paid by local bodies whereas after some time some of them were exempted while others were not ?

Parliamentary Secretary : The honourable member is referred to the resolution which was discussed on the floor of the House wherein the whole position was explained by Honourable Minister for Public Works.

VICTIMIZATION OF MAHAJANS IN MEWAT AREA OF DISTRICT GURGAON.

***5242. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

(a) whether a report of victimization of Mahajans living in the Mewat area of district Gurgaon was received by him and the district authorities concerned from the Hindu Mahasabha Office, New Delhi, in the last week of August, 1939 ;

(b) whether an inquiry was held into the specific complaints of high-handedness and extortion mentioned therein ; if so, to what effect ;

(c) what preventive steps were taken in this connexion ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) No such report appears to have come to the Secretariat but a complaint was received by the Deputy Commissioner, Gurgaon.

(b) Yes. One of the cases was found to be false. The other was investigated, but the complainant deposed in court that he had no complaint against the accused sent for trial.

(c) (i) Special police patrols were sent out at once and a gang of Meos bent on mischief was arrested. The members of this gang are now undergoing trial.

(ii) Arms licences are being issued to suitable Mahajans.

(iii) Zaildars and lambardars have been warned that it is an essential part of their duties to assist in the prevention of such offences.

Pandit Shri Ram Sharma : May I know if it is a fact that several representations were made that owing to famine, people have been requiring of the mahajans to give them a certain amount of grain, otherwise their shops would be looted ?

Parliamentary Secretary : I have no information.

Pandit Shri Ram Sharma : Is the Parliamentary Secretary aware of the complaint which was made to the Deputy Commissioner ?

Parliamentary Secretary : Yes, I have read it. But I do not remember it.

Pandit Shri Ram Sharma : Is it not on the file just now ?

Parliamentary Secretary : The file is not with me just at present.

Pandit Shri Ram Sharma : May I know if it is a fact that some three or four definite complaints to this effect were made by the mahajans that if they did not give so many maunds of grain, their shops would be looted, and actually there were some cases of looting ?

Parliamentary Secretary : These allegations might be there in that complaint, but what I have stated is this that these two cases which were reported were fully investigated ; one case was found to be false, and the other was sent up for trial.

Pandit Shri Ram Sharma : Which of these cases was false and which was sent up for trial ?

Parliamentary Secretary : I require notice for that.

PUNITIVE POLICE POST QUARTERED IN SOME VILLAGES IN AMBALA DISTRICT.

***5678. Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that representations have recently been made to the Government by me and other respectable persons of the Ambala district assuring the Government of the good behaviour of the residents of village Gopalpur and eight other villages in the jurisdiction of the Moranda police station in Ambala district and also praying that the punitive police post quartered in the said villages may be withdrawn ; if so, the action taken or intended to be taken on those representations ?

Parliamentary Secretary (S. B. Sardar Ujjal Singh) : The representation has been sent to the Deputy Commissioner for report. The position in regard to this additional police post has already been explained in the reply to the honourable member's question *5287.¹

**DISQUALIFICATION OF LALA RAM NARAIN VIRMANI AS A RESULT OF
AN ELECTION PETITION AGAINST HIM.**

***5819. Mr. Dev Raj Sethi :** Will the Honourable Minister of Public Works be pleased to state—

- (a) whether it is a fact that as a result of the acceptance of an election petition against Lala Ram Narain Virmani of Lyallpur he was disqualified for a period of six years from membership of the Assembly ;
- (b) whether it is also a fact that as a consequence he was disqualified from continuing a member of Lyallpur Municipal Committee, as also from seeking election to the membership of any local board ;
- (c) whether it is also a fact that Sheikh Muhammad Sadiq of Amritsar, was similarly disqualified for six years, as a result of the acceptance of election petition against him, but that he was allowed to continue as a member of Amritsar Municipal Committee ;
- (d) if the answer to the above parts be in the affirmative, the reasons for the invidious discrimination in the two cases ?

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

(b) Under the operation of section 13 of the Indian Elections Offences and Inquiries Act, 1920, he was disqualified for being elected or for sitting or voting as a member of any local authority. He resigned his membership of the Lyallpur Municipal Committee.

(c) Yes. The disqualification was removed by His Excellency the Governor in his discretion.

(d) The circumstances were different.

Mr. Dev Raj Sethi : What was the difference in the circumstances between the two cases ?

Parliamentary Secretary : It is not possible to give details of the judgment of the election tribunal, but I understand that in one case there were technical defects in the return of election expenses and in the other case there was a charge of false personation.

Pandit Shri Ram Sharma : May I know from the Parliamentary Secretary if the difference lies in the fact that in one case a member of the Unionist Party was concerned, while in the other the member concerned did not belong to the Unionist Party ?

Mr. Speaker : Disallowed.

Pandit Muni Lal Kalia : Was the Ministry taken into confidence when the order was passed by the Governor ?

Minister : The reply given by the Parliamentary Secretary is enough and I have nothing more to add and I would decline to answer any further questions.

Pandit Muni Lal Kalia : My question is whether the Ministry was taken into confidence when the order was passed.

Mr. Speaker : Disallowed.

Pandit Muni Lal Kalia : This was an order passed by His Excellency the Governor in his discretion. I only want to ask whether in this particular case the Ministry considered the discrimination in the two cases.

Lala Bhim Sen Sachar : May I know whether in this case the initiative was taken by His Excellency the Governor himself or whether a representation was made by the Ministry ?

Lala Bhim Sen Sachar : Perhaps I have not made myself clear.

Minister : Howsoever clear you may be, I may make it clear that the answer is obvious.

Lala Bhim Sen Sachar : The reply that has been given is indeed very clear. But what I wanted to know was if the disqualification was removed by His Excellency the Governor *suo motu* or a recommendation or a representation or a prayer was addressed by the Ministry after satisfying itself as to the merits of the case, namely, that the disqualification may be removed. We merely want to know the procedure. I know of people who are suffering from similar disqualifications. We want to know whether we have to approach the Governor or the Minister in such cases.

Minister : I would refer the honourable member to the relevant section of the Government of India Act.

Lala Bhim Sen Sachar : Has there been any case in which the disqualification has been removed on the initiative of the Ministry ?

Dr. Sir Gokul Chand Narang : May I ask the Parliamentary Secretary one question with respect to his statement that the circumstances were different. Were the circumstances different in this way that so far as Seth Ram Narain Virmani was concerned, all the charges against him were proved to be false except one of false publication ? Is it a fact that the charges brought against Seth Ram Narain Virmani in the petition against him were proved to be false or were not proved and only one was established, namely, false publication which was made not by Seth Ram Narain himself but by one of his supporters ?

Parliamentary Secretary : I am not in a position to answer that question without looking into the order of the election tribunal.

Dr. Sir Gokul Chand Narang : Is it a fact that the charges brought against the other gentleman, Mr. Muhammad Sadiq, were all proved and it was held that he had been guilty of corrupt practices ?

Parliamentary Secretary : I am not aware of it.

Minister : I do not think the question is admissible, and I refuse to be drawn into the discussion.

Dr. Sir Gokul Chand Narang : Order, order. I am in possession of the House.

Minister : I have a right of reply.

Dr. Sir Gokul Chand Narang : You cannot make a speech while sitting. Is the Parliamentary Secretary or the Honourable Minister in a position to answer this question ?

Minister : I am afraid not. I have said that I will not answer. The Parliamentary Secretary has stated that His Excellency the Governor acted in his own discretion, and no questions on that subject can be addressed. I would refer the honourable member to the relevant section of the Government of India Act.

Lala Bhim Sen Sachar : Is it or is it not a fact that another member of the Lyallpur Municipal Committee was disqualified on a conviction for two years for having been involved in probably something very serious, and his disqualification was removed? Is it or is it not a fact that the matter took place within the life time of this Ministry?

Minister : This has got nothing to do with the question before the House. If the honourable member gives a specific notice of that particular case, a reply will be furnished.

Dr. Sir Gokul Chand Narang : Was His Excellency allowed to exercise his discretion unfettered? The Honourable Minister has repeatedly stated that it was His Excellency the Governor who passed the orders in his personal discretion. We all know that, but the question now put by me is whether His Excellency was allowed to exercise his discretion unfettered without any interference by any of the Ministers.

Minister : That question does not arise. The honourable member is not competent to probe any further into this matter, and as I have said I can only decline to answer. But the case referred to by the honourable member (Lala Bhim Sen Sachar) was a different case. He was referring to some municipal committee case. If there is some case, he can give notice and I can give my reply. About these two cases the reply is specifically clear.

Dr. Sir Gokul Chand Narang : On a point of order. I just want to know whether what the Honourable Minister has said is correct, that I or for the matter of that, any other member, is not competent to probe further into the matter. I want to know whether that is the correct position. I am not contesting or in any way contending that the Governor had discretion in the matter. But our complaint is that the Ministers go out of their way sometimes even as far as to influence the decisions of His Excellency the Governor. What has the Minister got to say on the point?

Mr. Speaker : That question does not arise.

Pandit Muni Lal Kalia : What objection has the Government got in drawing the attention of His Excellency the Governor to the discrimination caused by the passing of such an order?

Mr. Speaker : Section 50 (i) of the Government of India Act runs as follows :—

There shall be a council of ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion.

So, they can neither aid nor advise the Governor in these matters.

Dr. Sir Gokul Chand Narang : Perfectly right. That goes in our favour. They have no *locus standi* to do so and yet they interpose or try to intervene in those matters.

Mr. Speaker : That is an assumption. It is not admitted by them.

Dr. Sir Gokul Chand Narang : They say that we have no right to probe into the matter. We say they break the provisions of the Government of India Act by intervening even in matters entirely in the discretion of His Excellency the Governor and thereby they are going against the spirit and even the letter of the Act. You are right and the Act is perfectly right. They have no answer to give except silence.

Minister : That is an answer to questions of this sort.

Dr. Sir Gokul Chand Narang : All right. That is enough. You know the Persian proverb which I need not quote.

Sardar Sohan Singh Josh : May I know whether Shaikh Muhammad Sadiq was a member of the Amritsar municipality at the time when he was disqualified ?

Parliamentary Secretary : I cannot say definitely, but I believe he was a member.

Sardar Sohan Singh Josh : Was he removed from the membership for some time ?

Parliamentary Secretary : I am not aware of it.

Dr. Sir Gokul Chand Narang : Is it a fact that Shaikh Muhammad Sadiq was a member of the municipal committee while Seth Ram Narain was not ? Is it or is not a fact ? There is no question of Governor's discretion in that.

Parliamentary Secretary : It may be a fact, but I am not aware of it.

Dr. Sir Gokul Chand Narang : Is it a fact that an interference was made even with the commission or tribunal that sat to dispose of this election ?

Minister : I repudiate that as strongly as I can.

Dr. Sir Gokul Chand Narang : I am not accusing you.

Lala Bhim Sen Sachar : Is it a fact that the recommendation of the ministry was forwarded to His Excellency the Governor ? Is the Honourable Minister in a position to categorically deny it ?

Minister : These questions are not admissible.

Lala Bhim Sen Sachar : I am putting a categorical question. Is the Honourable Minister in a position to deny categorically that the recommendation of the ministry or one of the ministers was not forwarded to the Governor desiring him to remove the disqualification in the case of Shaikh Muhammad Sadiq ?

Dr. Sir Gokul Chand Narang : That is an admission.

APPOINTMENT OF EXECUTIVE OFFICERS BY ELECTION.

***5900. Lala Duni Chand :** With reference to the answer to my question No. 5277¹, given on 28th November, 1939, will the Honourable Minister of Public Works be pleased to state how many of the thirteen Executive Officers of different municipalities in the province were elected for appointment as such by the municipalities concerned themselves and how many of them were appointed by Government on the municipalities failing to agree to elect for themselves?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : The Executive Officers of Khem Karan and Rupar municipalities were appointed by the municipal committee themselves; others were appointed by Government.

PUNITIVE POLICE POST AT VILLAGES CHUHAR CHAK AND DHUDIKE
IN MOGA TAHSIL.

***5940. Dr. Gopi Chand Bhargava :** Will the Honourable Premier be pleased to state—

(a) the number of criminal offences committed in or traced to villages Chuhar Chak and Dhudike, tahsil Moga, district Ferozepore, under the sections which were mentioned by Parliamentary Secretary in reply to question No. 3544 (starred)², dated 17th November, 1938, during the years 1937-38, and 1938-39 and up to November, 1939, respectively;

(b) the annual amount of expenditure on punitive police post posted in these villages and how does it compare with the other total taxes paid by the villagers of Chuhar Chak and Dhudike?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :
(a) A statement is laid on the table.

(b) The estimated cost of the post is Rs. 8,137-4-6 for the first year, and Rs. 7,447-4-6 for the second. The assessments on the two estates are :—

	Rs.			
Land revenue	15,800
Canal rates	23,792

¹Volume X, page 1089.

²Volume VI, page 403.

Offences committed and traced to villages Chuhar Chat and Dhudike in the Ferozepore District.

Year.	VILLAGE CHUHAR CHAT.		VILLAGE DHUDIKE.		REMARKS.
	Offences committed.	Offences traced to the village	Offences committed.	Offences traced to the village	
1937-38	15 cases, as follows :— 338 $\frac{325}{1}, \frac{20/11/78}{2}, \frac{1}{1}$, 149/302/148 $\frac{1}{1}$	37 cases as follows :— 397 $\frac{457}{1}, \frac{394}{4}, \frac{397}{1}$	16 cases as follows :— 457 $\frac{148/149}{1}, \frac{302/307}{1}$, 323 $\frac{324}{1}, \frac{149/302/148}{1}$ 216 $\frac{1}{1}$	20 cases as follows :— 457 $\frac{1}{5}$, 395/397 $\frac{1}{1}$	
1938-39	148/452/324 $\frac{457/511}{1}, \frac{1}{1}$	302 $\frac{19/11/78}{2}, \frac{4}{4}, \frac{457/511}{2}$, 307 $\frac{392}{1}, \frac{1}{1}$, 409 $\frac{108/55}{1}, \frac{279}{2}, \frac{380}{1}, \frac{1}{1}$, 399/401 $\frac{458}{1}, \frac{1}{1}$	457 $\frac{9/1/78}{1}, \frac{323}{1}, \frac{1}{1}$, 148 $\frac{304}{1}, \frac{1}{1}$	302 $\frac{457}{1}, \frac{1}{1}$, 395/398 $\frac{1}{1}$, 149/307 $\frac{1}{1}$, 307 $\frac{1}{1}$	
1st April, 1939 to 30th November, 1939.	302 $\frac{328}{1}, \frac{457}{1}, \frac{379}{1}$, 324 $\frac{304}{1}, \frac{216/404}{1}, \frac{1}{1}$, 61/1/14 $\frac{1}{1}$	307 $\frac{1}{1}$, 145 $\frac{395/398}{1}, \frac{304}{1}, \frac{1}{1}$, 145/417 $\frac{379}{9}, \frac{1}{1}$	457 $\frac{324}{1}, \frac{19/11/78}{1}$, 216 $\frac{325/149}{1}, \frac{328/148}{1}$	409/379 $\frac{1}{1}$, 302/397 $\frac{1}{1}$, 420/511 $\frac{109}{1}, \frac{3}{3}$, 145/447 $\frac{2}{2}$, 148/302/149 $\frac{1}{1}$	

Pandit Muni Lal Kalia : Have any representations been made by the residents of these two villages that there have been no such offences as given out and there is no necessity to have punitive police?

Parliamentary Secretary : But this is not correct. A list of offences is given along with the answer. They were committed in these villages or were traced to these villages.

Sardar Rur Singh : What is the number of crimes in 1936-37?

Parliamentary Secretary : I have given the figures for 1937-38 and 1938-39. If the honourable member wants any further information he should give notice of a fresh question.

Dr. Sir Gokul Chand Narang : Is crime on the increase?

Parliamentary Secretary : Yes, that was the justification for posting punitive police there.

PUNITIVE POLICE AT RAJA JANG.

***6011. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- (a) whether punitive police has been posted at Raja Jang, district Lahore; if so, since when;
- (b) the total strength of the punitive police and its monthly expenses;
- (c) whether the Sikhs have waived their objection to the *azan* inside or outside the mosque in Raja Jang;
- (d) whether there has been any communal disturbance in the village during the last ten months;
- (e) if the answer to (c) be in the affirmative, and to (d) in the negative, whether the Government intend to withdraw the punitive police; if not, why not?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a)—(d) These inquiries have already been answered in the reply to the honourable member's question *5507¹.

(e) Does not arise.

ENCOUNTER BETWEEN SUSPECTS AND POLICE IN LUDHIANA DISTRICT.

***6014. Chaudhri Muhammad Hassan :** Will the Honourable Minister of Public Works be pleased to state—

- (a) the number and names of the police officers or policemen killed in an encounter between some suspects and the police that took place in Ludhiana district some time between May and December, 1939, with the rank each was holding and his home address;
- (b) whether any officer made an inquiry into the circumstances under which the encounter mentioned above took place; if so, the names and designations of the officers who made the inquiry;

¹ *Ide* Debates of 2nd February, 1940.

- (c) the number and names of the police officers who were in the police party at the time of the encounter with the names of the places to which they are at present posted ;
- (d) how many rifles and cartridges were seized by the suspects who took part in the above-mentioned encounter and whether these rifles and cartridges and any other thing removed from the persons of police officers in that party have been recovered so far ;
- (e) the place where the encounter took place ;
- (f) whether Government intends or has actually granted compensation to the families of the police officers killed in the encounter ;
- (g) whether any complaints were made to the police by the villagers of the *ilaqa* concerned about the conduct of the police party on the occasion ;
- (h) whether facts came to the knowledge of the Superintendent of Police also which proved inefficiency and delinquency on the part of some of the members of the police party at the time of the encounter ;
- (i) whether a special report was submitted to the Deputy Inspector-General, Eastern Range, Ambala, by the Superintendent of Police, Ludhiana, incorporating the details of the encounter ; if so, whether he will be pleased to lay a copy of that report on the table of the House ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) One police officer only was killed—No. 284 Mounted Head Constable Sher Khan. He was a resident of Darbatta, in the Lama police station of the Attock district.

(b) A case was registered at Raikot police station and was investigated under the supervision of a Deputy Superintendent of Police.

(c) The party included sub-inspector Hans Raj of Police Station, Raikot, and mounted constable Wali Muhammad in addition to the head constable who was killed.

(d) One .303 rifle was removed—no ammunition. The rifle has not yet been recovered.

(e) Village Aitiana (Raikot police station).

(f) Rs. 400 have already been granted to the widow of the deceased head constable for immediate expenses. The question of giving an extraordinary pension to his dependents is under consideration.

(g) and (h) No.

(i) The case was made the subject of a Special Report, in accordance with the usual practice. A copy of the report is laid on the table.

Chaudhri Muhammad Hassan : Is it a fact that the Superintendent of Police and the Deputy Superintendent of Police inquired into the circumstances which led to the conclusion that the police party showed great cowardice in forsaking the head constable ?

Parliamentary Secretary : My honourable friend is in possession of a copy of the report and he will find that nothing of the kind has been mentioned therein.

Chaudhri Muhammad Hassan : Is it a fact that the sub-inspector did not raise alarm in spite of the fact that the occurrence took place within three furlongs of the village Aitiana ?

Parliamentary Secretary : Shots were fired at the gang ; what other alarm was required to be raised ?

Chaudhri Muhammad Hassan : Will you kindly read the statement laid on the table ? It is not there.

Parliamentary Secretary : Does my honourable friend want me to read the whole report ?

Chaudhri Muhammad Hassan : Did the sub-inspector raise any alarm at the time that there was an encounter within three furlongs of the village ?

Parliamentary Secretary : He and the mounted constable fired several shots. That is why the gang fled away leaving the amount of money that the head constable had in his pocket and also some ammunition. What other alarm could the sub-inspector raise ?

Chaudhri Muhammad Hassan : Is it a fact that the sub-inspector sent the mounted constable at a distance of four miles to ask people to come to his help instead of sending for the inhabitants of the village of Aitiana within three furlongs of the occurrence ?

Parliamentary Secretary : I cannot say that without going through the whole report but when no help came from the village, the sub-inspector sent for further help from the Station House Officer, Daba, who came with police force.

Chaudhri Muhammad Hassan : Will you kindly consult the statement laid on the table ? It is stated there that he did not approach the villagers of Aitiana for help.

Minister for Public Works : Are the villagers of Aitiana very good in catching thieves or are they so courageous that you are so keen that he should have sent the information there ?

Dr. Sir Gokul Chand Narang : They were nearer.

Minister : But they were unarmed.

Parliamentary Secretary : The report shows that these villagers showed no enthusiasm although firing had been going on in that vicinity. No villager of Aitiana came up there and that is why the sub-inspector sent the mounted constable to another village Akalgarh.

Chaudhri Muhammad Hassan : Is it a fact that the Deputy Superintendent of Police went to the spot to make inquiries as to whether the villagers of Aitiana did not come or the sub-inspector forsook the head constable to the suspects ?

Parliamentary Secretary : I have no information beyond that contained in the report.

FORM No. 24-14.

Police Department.

Ludhiana District.

SPECIAL REPORT OF AN OFFENCE.

(No. 41, Part I 1939.)

Dated 28th October, 1939.

Description of offence and section of law offended against; also distance and direction of place from Police Station and name of Sub-Inspector in charge.	NUMBER OF PERSONS.		VALUE OF PROPERTY.		Statement of the case; conduct of the Police; steps taken by them.
	Supposed to have been concerned.	Arrested.	Taken.	Recovered.	
1	2	3	4	5	6
Section 302/379, I. P. C. Fields of village Aitiana, 7 miles north of Police Station, Raikot.	About 8	..	One .303 rifle.	..	Date of occurrence—Night 26th/27th October, 1939. Date of report to Police—27th October, 1939. F. I. R. No. 156.
Sub-Inspector Lala Hans Raj In charge.					

Sub-Inspector Hans Raj, Incharge Police Station, Raikot, sent a report to his thana that he, Mounted Head Constable Sher Khan, Mounted Constable Wali Muhammad, Nur Muhammad, Lambardar, Sudhar and Nur Muhammad, Lambardar, Akalgarh, were proceeding from Akalgarh to Aitiana in the course of their night patrol at about mid-night on the night between 26th and 27th October, 1939, when near a well in the vicinity of village Aitiana they saw about 8 men coming from the side of the village. The Sub-Inspector as well as the Head Constable and the Constable were mounted. The strangers on seeing the Sub-Inspector and the party turned back to the village. The Sub-Inspector along with the Mounted Head Constable and the Mounted Constable tried to surround them. Head Constable Sher Khan rushed forward on the men when suddenly there were two reports of gun fire. The Sub-Inspector and the Constable retired at the moment, as there was no protection there and then going back a little distance took their positions behind a tree and fired on the strangers. The Sub-Inspector fired four revolver shots and the Constable six shots with the .303 rifle. There was no response to this fire from the other side for some time. So the Sub-Inspector and the Constable ceased firing, and to find out where Head Constable Sher Khan had gone, they blew their whistles, but again there was no response. Advancing forward they saw Head Constable Sher Khan lying dead in the field of Inder Singh, Jat of Aitiana. There was a bullet wound in his chest. About 3/4 fields further on, the Head Constable's horse was found standing, with a bullet wound on the left hind leg. The .303 rifle of the Head Constable was also found missing from the saddle rifle bucket. The bandolier containing the ammunition was on the person of the deceased Head Constable and was taken into possession by the Sub-Inspector. Mounted Constable Wali Muhammad was sent out to fetch assistance from village Akalgarh in the neighbourhood, whereas the Sub-Inspector remained near the dead body. Later assistance arrived from Akalgarh. A Foot Constable who was at Akalgarh was despatched to headquarters to convey information to the officers there.

I was informed at Ludhiana at about 6 a.m., and taking the Deputy Superintendent of Police with me immediately reached the spot. Half the first armed reserve was ordered to follow me and the other half was despatched to Jagraon, with telephonic orders to the Station House Officer to intercept all routes from his illaqs into the Ferozepore district with the help of armed police.

The point where the Head Constable was shot and where his dead body was lying was about 3 furlongs from village Aitiana in an open field. It was learnt that Sub-Inspector Hans Raj, Mounted Head Constable Sher Khan, and Mounted Constable Wali Muhammad on seeing the gang of strangers tried to encircle them and Head Constable Sher Khan challenged the gang and rushed on them. He was fired at and was killed instantaneously, the bullet passing through his chest. It appeared to be a rifle bullet, as there was a clean hole across. The tree from behind which Sub-Inspector Hans Raj and Constable Wali Muhammad tried to engage the gang was about 300 yards from the place where the Head Constable had fallen. Their fire seems to have scared the gang as they (the gang) did not touch the bandolier (containing the 303 rifle rounds) which the Head Constable was wearing, nor touched his pockets which later were found to contain about Rs. 170 in currency notes. They (the gang) however wounded the Head Constable's horse and while running away removed his 303 rifle from the saddle bucket. When Sub-Inspector Hans Raj and Foot Constable Wali Muhammad later discovered him dead and the rifle missing, and none near about to assist them the Sub-Inspector stayed to guard the dead body and the Constable went to a neighbouring village Akalgarh to get hold of some license holders. It was when the license holders arrived that the Sub-Inspector went into the Aitiana village and woke up some people. These villagers showed no enthusiasm although the firing had gone on just about 3 furlongs away from them and many of them must have heard it. After a good deal of efforts only about 20 men were made to turn out and join the Sub-Inspector in the search. Then the fields all round were searched for but with no result. Just before dawn, the Station House Officer, Dakha (Sub-Inspector M. Nasir-ud-Din of the next jurisdiction) who had been informed arrived with his men and took up the pursuit. With day-light he followed the tracks while Sub-Inspector Hans Raj started getting hold of people whom he suspected as harbourers of dacoit gangs. According to the Sub-Inspector's impression the gang he encountered was of Bhag of Gholia (District Ferozepore) a notorious dacoit murderer, and of Kura of the Morinda gang (Ambala).

The immediate problem was the pursuit and arrest of the gang. So after noting the direction taken by the gang I decided to rush on to Jagraon (which side the gang appeared to have gone) and organize raids at all suspected places on the Ferozepore border while the Deputy Superintendent of Police was told to carry out similar raids in the jurisdiction of police station Raikot, Dakha, etc., in the immediate vicinity. From Jagraon the Superintendent of Police, Ferozepore and the Moga police were telephonically informed to keep a look out in their illaqs and organize raids at the likely hiding places of this gang on this district border, as also to institute armed Nakkabandi at night. Urgent wires with similar requests were issued to the Inspector-General of Police, Patiala, and Chief Police Officers of Nabha and Malerkotla. Urgent orders on the same lines were issued to the Station House Officers concerned in this district.

A number of raids at suspected places were then carried out, till evening but no trace of the gang was discovered.

When however I was returning with the police at about 6 p.m. from Ghakar (a place on the border of police station Nihalsinghwa, Ferozepore), a Sikh in Khaki clothes was noticed on the canal minor by which we were motoring. He felt slightly startled on seeing the police lorry and when the lorry was stopped to question him, he ran away. Then a vigorous pursuit followed across fields and ditches. The man took out a revolver and tried to fire at the police while running. Fortunately it appeared to misfire. A shot was then fired at him in return, and the man got unnerved and was immediately over-powered. A revolver of 455 bore service pattern, loaded in all its six chambers was then snatched from him. Five of the rounds had misfired. In addition five live revolver rounds of the same bore and one 12 bore cartridge were recovered from his person. He turned out to be Sher Singh, son of Ralla Singh of Sowaddi Kalan, police station Sidhwan Bet—a proclaimed offender wanted in F. I. R. No. 11, dated 13th March, 1939, under section 360/376, I. P. C. of Police Station Sidhwan Bet. According to him he is also wanted in two dacoities and a murder case of Ferozepore district. He said he was on his way to murder his uncle who had assisted the Sidhwan Bet Police in the case against him and as a result of which his accomplices had been convicted and sentenced to seven years.

Thus the whole day's raids did bring out one good result in another direction. The man had turned desperate and had sent several threats to the prosecution witnesses against him including the Station House Officer Sidhwan Bet. He resisted with his revolver which fortunately misfired and could not do any damage. Incidentally his timely arrest saved one murder. Cases under the Arms Act and under section 307, I. P. C. (attempted murder by trying to fire his revolver) were registered against him at Jagraon.

Further developments will follow.

(Sd.). Illegible,

Superintendent of Police, Ludhiana.

LUDHIANA DISTRICT BOARD AFFAIRS.

*6020. **Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number of resolutions regarding formation of anti-corruption committees which were disallowed by the official Chairman of the Ludhiana District Board during the year 1939 with the dates of their disallowance, the names of their proposers and seconders and the reasons for disallowing them ;
- (b) the number of the employees of the District Board who were handed over to the police in cases of embezzlement during the year 1939 ;
- (c) the number of employees who have been or are being dealt with departmentally and reasons therefor ;
- (d) whether the inquiry into the conduct of some of the employees was entrusted to a special sub-committee formed for the purpose and the time taken by the sub-committee to complete the inquiry along with the names of its members and the date of its formation ;
- (e) whether it is a fact that the Congress party in the Ludhiana District Board withdrew one of its members from the sub-committee as a protest against the attitude of the Chairman ;
- (f) whether it is a fact that several cases of corruption and embezzlement were brought to the notice of the Chairman by Sardar Albel Singh, Junior Vice-Chairman ;
- (g) if reply to (f) be in the affirmative, what action was taken by the Chairman in each of them and whether he informed the Board of that action ; if so, when, and with what result, if not, why not ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Notices of two such resolutions were received on the 29th November, 1939 and the 10th December, 1939, respectively. Both were to be moved by the honourable member himself ; one was to be seconded by Sardar Bichattar Singh and the other by Sardar Dayal Singh. They were disallowed by the Chairman on the ground that corruption in the departments of Government was not a concern of the district board and that the board could form an anti-corruption committee only to deal with matters under its own control. The mover accordingly submitted on the 18th December, 1939, a notice of a fresh resolution, which was restricted in scope. This resolution was admitted.

(b) One.

(c) Two; one on a charge of inefficiency and the other on a charge of misappropriation of money belonging to the district board.

(d) Yes. The sub-committee, which was appointed in pursuance of a resolution passed by the district board on the 2nd August, 1939, consisted of the following members :—

(1) Mian Muhammad Abdullah.

(S. B. S. Ujjal Singh)

(2) Sardar Joginder Singh.

(3) Sardar Gopal Singh Khalsa, M. L. A.

(4) Sardar Kapoor Singh, M. L. A.

(5) The Executive Engineer, Public Works Department.

It completed the inquiry on the 1st December, 1939.

(e) One of the members resigned, but his resignation contained no reference to the attitude of the Chairman.

(f) Yes. The allegations were all against one individual.

(g) The allegations were brought to the notice of the district board on the 17th January, 1940, and the employee against whom the allegations were made was suspended. A case against him under section 409, Indian Penal Code, is being investigated by the police.

Chaudhri Muhammad Hassan : Is it not the function of the district board to create healthy opinion against corruption? Has the Government considered the desirability or undesirability of allowing these resolutions to be discussed in the district board?

Parliamentary Secretary : That is not the direct concern of the district board.

Chaudhri Muhammad Hassan : Should I understand the Parliamentary Secretary to say that the eradication of corruption is not the concern of the district board?

Parliamentary Secretary : It is not the direct concern of the district board unless there is corruption in the staff of the district board itself.

Chaudhri Muhammad Hassan : Has the Parliamentary Secretary seen the resolutions? What were they about? Were they about assisting the Special Inquiry Agency in the detection of corruption in the district of Ludhiana?

Parliamentary Secretary : But that has nothing to do with the affairs of the district board.

Chaudhri Muhammad Hassan : Is it a fact that the district board is constituted for the welfare of the zamindars of the district?

Mr. Speaker : I disallow the question.

Chaudhri Muhammad Hassan : Is the Parliamentary Secretary aware of the contents of these resolutions?

Parliamentary Secretary : The contents are indicated here that the Chairman refused it on the ground that they were not the concern of the district board, that they were in connexion with corruption outside the affairs of the district board.

Chaudhri Muhammad Hassan : Is it a fact that the resolutions were that the members of the district board should impress upon the zamindars of the ilaqa that all corruption must be stopped and that they should not pay illegal gratification to public servants?

Parliamentary Secretary : That is a matter which the honourable member in his individual capacity can do.

DISALLOWANCE OF A RESOLUTION BY THE CHAIRMAN, DISTRICT BOARD, LUDHIANA.

*6021. **Chaudhri Muhammad Hasan :** Will the Honourable Minister for Public Works be pleased to state whether the Chairman, District Board, Ludhiana, recently disallowed a resolution requesting Government to grant remission in land revenue and water rates which was sought to be moved in the general meeting of the Board ; if so, on what grounds ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : Yes. Under the Business Rules of the District Board the Chairman is empowered to refuse to include in the agenda any matter which in his opinion is not the concern of the Board.

Chaudhri Muhammad Hassan : Does the Government approve of the disallowance of such important resolutions ?

Parliamentary Secretary : It is not a question of approval or disapproval. What I have stated is that the Chairman has power to include any matter in the agenda and it does not rest with the Government to approve or not to approve.

Chaudhri Muhammad Hassan : Did the Government ever consider the desirability of allowing or disallowing such resolutions ?

Parliamentary Secretary : If under rule 2-3 any aggrieved member so desires he can appeal to the Commissioner in regard to the refusal of the Chairman to include a particular matter in the agenda.

Chaudhri Muhammad Hassan : Did the Government ever consider the right use of this rule by the Chairman about these resolutions ?

Parliamentary Secretary : If any member was aggrieved he had the right of appeal to the Commissioner against the order of the Chairman in refusing the inclusion of a certain matter in the agenda. But it appears that neither my honourable friend nor any other member of the board filed an appeal to the Commissioner.

Chaudhri Muhammad Hassan : Is it a fact that the persons who appeal to the Commissioner have to affix court-fee stamps on their appeal ?

Parliamentary Secretary : He has to follow the usual procedure.

Chaudhri Muhammad Hassan : Does the Parliamentary Secretary know the usual procedure ?

Mr. Speaker : Disallowed.

COMPLAINTS AGAINST POLICE OFFICIALS OF CHAMKAUR, DISTRICT AMBALA.

*6031. **Lala Duni Chand :** Will the Honourable Minister for Public Works be pleased to state—

- (a) whether it is a fact that Assistant Sub-Inspector of Police, in-charge of Chamkaur Police Post, and certain constables went to Bela in November last and arrested about 25 men belonging to different communities, wrongfully confined them for about 2 days and then released them after extorting a certain sum of money from each one of them ;

[Lala Duni Chand.]

(b) whether after this on a complaint having been made the Deputy Superintendent of Police, Ambala, held an inquiry into the matter on the spot and recorded the statement of a large number of witnesses; if so, the result of the inquiry and the action taken in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) A complaint to this effect has been made to the district authorities.

(b) Departmental proceedings are being taken against the officers concerned.

Pandit Shri Ram Sharma: Is it a fact that the Deputy Superintendent of Police went to the spot to make inquiry personally?

Parliamentary Secretary: Yes, preliminary inquiry was made and this is the result of that inquiry that proceedings are being taken against the officers concerned.

Pandit Shri Ram Sharma: When was the complaint made and when did the inquiry start?

Parliamentary Secretary: I am afraid I cannot give a reply to this question off-hand. If my honourable friend wants that information he might give notice.

Pandit Shri Ram Sharma: Has the inquiry been completed or not as yet?

Parliamentary Secretary: I require notice.

Pandit Shri Ram Sharma: May I know the charge under which 25 persons have been arrested?

Parliamentary Secretary: I require notice for this question.

MUNICIPAL ENGINEER OF LAHORE.

*6049. **Mian Abdul Aziz**: Will the Honourable Minister of Public Works be pleased to state—

(a) whether it is a fact that Mr. Drane, Municipal Engineer of Lahore, has been visiting Dalhousie from April, 1939 to October, 1939, if so, the number of visits paid by him during this period;

(b) the dates and times on which he passed through the road barriers at Chaki near Pathankot and at Banikhet while proceeding to or returning from Dalhousie;

(c) the purpose of his visit to Dalhousie on each occasion;

(d) whether travelling expenses to and from Dalhousie were borne by Mr. Drane personally or were paid to him out of the municipal funds; in the latter case the total expenditure incurred by the Municipality in this respect?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): (a) Yes; on fourteen occasions.

(b) The dates are as follows:—

May 17th, 21st, 22nd, 27th and 28th.

June 8th, 24th, 25th and 30th.

July 9th, 16th, 29th and 30th.

August 4th, 16th and 29th.

September 7th and 17th.

A record of the timings was not kept by Mr. Drane.

(c) His own private business.

(d) No expenditure was incurred by the Municipality.

Mian Abdul Aziz : Did Government take any action on these so many visits? Were these visits made on Government business or Municipal business?

Parliamentary Secretary : This officer took casual leave on some occasions and on other occasions availed of holidays and Sundays.

Khan Sahib Khawaja Ghulam Samad : Can the Municipal Engineer leave the station without taking permission of his superior officer even on holidays and Sundays?

Parliamentary Secretary : He had double charge at that time and as he was not allowed 10 days' casual leave, he occasionally took short leave and also availed of certain holidays.

Khan Sahib Khawaja Ghulam Samad : My question was whether he was competent to absent himself from station without leave or permission of his superior officers even on holidays and Sundays?

Parliamentary Secretary : I require notice.

Khan Sahib Khawaja Ghulam Samad : There is no question of notice because it is the established principle of Government and the Parliamentary Secretary must know it that no Government servant can leave the station without permission on holidays and Sundays, so I want to know whether he was competent to leave the station without the permission of his superior officer even on holidays or Sundays?

Parliamentary Secretary : The office was closed during the days he left his headquarters.

Khan Sahib Khawaja Ghulam Samad : From his headquarters, I say.

Mian Abdul Aziz : Although it may be a holiday, I ask whether Municipal Engineer was entitled to leave the station without the Government or his superior officer's permission?

Minister : This is a new question, and I will give a reply to it.

Mian Abdul Aziz : The Honourable Minister should not interfere.

Minister : I am not interfering at all. I wanted to help the honourable member.

Mian Abdul Aziz : I am very grateful to the Honourable Minister. Will he kindly give a reply to my supplementary question?

Minister : Government servants can go out on holidays. Only particular officers are required not to leave the station even on holidays. They are governed by separate and different rules. If the honourable member will give notice of his particular question, the Parliamentary Secretary will furnish him with every information with regard to this officer.

Khan Sahib Khawaja Ghulam Samad : May I know from the Minister concerned, whether he has studied the Government Servants Conduct Rules ?

Mr. Speaker : Disallowed.

Khan Sahib Khawaja Ghulam Samad : May I know, whether it is not given clearly in the Government Servants Conduct Rules that no officer of the position of the Municipal Engineer should leave the station or his headquarters without the permission of his superior officer ?

Mr. Speaker : The honourable member is giving information.

Khan Sahib Khawaja Ghulam Samad : May I know from the Honourable Minister whether the Government Servants Conduct Rules apply to the Municipal Engineer or the District Board Engineer ? May I know whether Rule 6 of the District Board Election Rules applies to the municipal committees also ?

Parliamentary Secretary : As I have already stated if the honourable member gives notice of his questions with regard to rules, etc., the Government will be pleased to satisfy him. At this moment I cannot give him any information off-hand.

Mian Abdul Aziz : Will the Parliamentary Secretary kindly let me know, when the officer concerned left for Dalhousie on fourteen occasions within a few months, how many days' casual leave was due to him during these months ?

Parliamentary Secretary : I cannot give a definite answer to this question. I require notice for it.

SUSPENSION OF A RESOLUTION PASSED BY THE LAHORE MUNICIPAL COMMITTEE.

***6050. Mian Abdul Aziz :** Will the Honourable Minister for Public Works be pleased to state—

(a) whether Government is aware of the judgment of the Civil Court in case " M. Moazzam Din, *ex*-Assistant Municipal Engineer, *versus* Lahore Municipal Committee " regarding the deduction from the plaintiff's provident fund of certain sums paid to him for acting as municipal engineer in 1922 in pursuance of a resolution of the committee ;

(b) whether it is a fact that though the resolution had been duly communicated to the Deputy Commissioner, Lahore, within 8 days as required by Section 80 (2) of the Punjab Municipal Act the same was suspended after the lapse of about 7 years from the date of its adoption and coming into effect ; if so the reasons therefor ?

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

(b) No. The resolution waiving the recovery of the amount due from M. Moazzam Din was passed by the municipal committee on the 16th April, 1929. It was suspended by the Deputy Commissioner on the 19th August, 1929.

Mian Abdul Aziz : As a matter of fact the resolution was passed in 1923. And after it was passed it was sent to the Deputy Commissioner within three days. This resolution was suspended after seven years.

Parliamentary Secretary : There is some confusion on this point. The resolution that was passed on the 23rd February, 1923, by which, M. Mauzam Din was permitted to draw the minimum pay of Assistant Engineer was held illegal by the President and the Municipal Committee took no action on it for six years to recover that amount. Then in April, 1929, the Municipal Committee waived the amount and it was that resolution which the Commissioner suspended and it was suspended after four months in August, 1929.

Mian Abdul Aziz : Is the Parliamentary Secretary quite certain about these dates which he has given? I am certain that the resolution was suspended after seven years.

Parliamentary Secretary : I may refer my honourable friend to Dobson Committee's Report. I am quoting from that. It is given on page 160 that M. Mauzam Din officiated as Assistant Engineer from 29th March, 1921, to 8th August, 1922. He was permitted by resolution No. 441, dated the 23rd February, 1923, to draw the minimum pay of the Assistant Engineer's post. This course was admissible under the Fundamental Rules, but the Fundamental Rules had not then been adopted by the committee. On the 18th April, 1923, the President held that all such allowances were illegal and should be recovered from the officials concerned. M. Mauzam Din proved refractory and eventually, nearly six years later on the 16th April, 1929, the Committee decided to waive the recovery of the sum from him which amounted to Rs. 2,128-5-5, on the ground that the allowance was admissible to him under the Fundamental Rules. The Deputy Commissioner then communicated the following order, dated the 19th August, 1929 :—

"Order under Section 232.

For the reasons given below I suspend resolution No. 36 (37) of 16th April, 1929."

DISCHARGED MUNICIPAL EMPLOYEES.

*6051. **Mian Abdul Aziz :** Will the Honourable Minister for Public Works be pleased to refer to his reply to my starred question No. 1677¹, put on 28th January, 1938, and state—

- (a) whether Government have since forwarded or propose to forward their appeals to the Commissioner, Lahore Division, for decision on merits in each case;
- (b) whether any remarks were made by the last Minister of Local Self-Government, Punjab, in this respect; if so, with what result?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

(a) Such petitions as were received by Government were forwarded to Commissioner in 1937.

(b) Yes. Each case was reviewed by the Administrator of the Lahore Municipality and two persons were re-employed.

Mian Abdul Aziz : Reply to part (b) of my question has not been given. Did Dr. Sir Gokul Chand Narang, who was then Minister of Local Self-Government, make any remarks ?

Parliamentary Secretary : Yes, remarks were made by the Minister of Local Self-Government and then all the cases were reviewed by the Administrator.

Mian Abdul Aziz : Perhaps the Parliamentary Secretary has not understood me. The question is that these people, who were summarily discharged, put in an appeal before the Commissioner and it was decided that as there was no suspicion against them, therefore, no appeal could lie. Afterwards, in answer to my previous question which is referred to in this question, the Minister of Public Works said that because their conduct was not above suspicion, therefore, they were discharged. That means that there was stigma against them. My question is, has the Government sent back those petitions to the Commissioner for decision, because there was some stigma against them, and was asked to decide their petitions on merits and according to law ?

Parliamentary Secretary : No. The previous Administrator discharged them without giving any reasons and since the Minister of Local Self-Government was not satisfied, the cases of eight out of those discharged, who preferred an appeal, were reviewed by the Administrator and two of them were re-employed.

Mian Abdul Aziz : My question has not been replied to. The question is that according to the statement made by the Minister of Public Works on 28th January, 1938, that these people were discharged on account of some stigma against them, an appeal lay to the Commissioner. Why were their cases not sent to the Commissioner to decide whether those charges were correct or not ? Instead of that they were sent to the Administrator again.

Parliamentary Secretary : Will my honourable friend read the answer that was given by the Minister of Public Works ?

Mian Abdul Aziz : If the Parliamentary Secretary had carefully seen my question, the answer would not have been evasive, and it should have been straightforward.

Parliamentary Secretary : I have supplied him with the fullest information that my honourable friend wanted but I am not aware of what conclusion my honourable friend drew from the reply that was given on a previous occasion.

Khan Sahib Khawaja Ghulam Samad : The Parliamentary Secretary has said that the Administrator discharged the services of these men without giving any reason and they, against the order of the Administrator, filed an appeal to the Commissioner through the Administrator. I want to know whether the Administrator was competent to withhold the appeal.

Parliamentary Secretary : Under section 29 of the Municipal Act there was no right of appeal. The whole question was reviewed by the present Administrator and he found that there were certain charges against some of these subordinates but there were two of them who could be re-employed and he re-employed them.

Khan Sahib Khawaja Ghulam Samad : May I know whether the aggrieved persons applied for review of their cases to the Administrator or they filed an appeal for transmission to the Commissioner, Lahore Division? If the latter, was the Administrator competent to withhold those appeals?

Parliamentary Secretary : In certain cases petitions were received by the Government and the Government forwarded them to the Commissioner who in turn sent them to the Administrator for review.

Mian Abdul Aziz : Has the Parliamentary Secretary seen the reply of the Honourable Minister of the 29th January, 1938?

Parliamentary Secretary : My honourable friend may refer to that reply.

Mian Abdul Aziz : I have quoted that in my question. In view of that reply there was a stigma attached to those people. Therefore, was it not necessary for the Government to send back their appeal to the Commissioner for hearing?

Parliamentary Secretary : I have stated that under section 29 of the Municipal Act there was no right of appeal. Those who were discharged, submitted petitions to the Government and these were forwarded by the Government to the Commissioner who in turn sent them on to the Administrator for review. The Administrator reviewed the cases of all those discharged and two of them were re-employed as he found them to be suitable. Against others he found that there were some charges and he could not possibly employ them again.

Mian Abdul Aziz : It is not a question of employing them again. There were some vacancies. They were not taken back to their original posts but they were taken on other posts. The question is, when it is shown by the reply of the Honourable Minister that there was some stigma against them in which case the appeal lay to the Commissioner, why was the Commissioner not directed to hear their appeal? Is there no reply?

Khan Sahib Khawaja Ghulam Samad : Where there is no provision for an appeal and the aggrieved person files an appeal to the authority who passes the order, then such appeals are to be treated as representations and it is the duty of each and every officer to forward those representations to the persons to whom the appeals are addressed. Did the Administrator do so?

Minister : There seems to be confusion about this case. The facts are that after the supersession certain amount of retrenchment was necessary. In selecting the people for retrenchment the Administrator at that time, Mr. Jones, went through these cases and in certain cases those people who had unsatisfactory records, according to him, were retrenched. No appeal lay to the Commissioner in those cases. He was just getting rid of surplus employees. So, these people came and petitioned to Government and in order to make sure if there was any good man who could be retained, I asked the present Administrator to review the cases. The cases were reviewed and two men were re-employed and others who were perhaps not suitable were not re-employed.

Mian Abdul Aziz : May I inform the Honourable Minister that there was no question of retrenchment of posts. The posts remained but these people were shunted out. There was no question of retrenchment at that time. The question is whether they were dismissed on account of misconduct or suspicion. If they were dismissed for these reasons may I know the rule under which they could be dismissed without due inquiry and according to rules applicable to such cases ?

Minister : For the obvious reason that there were no cases of dismissal and hence no appeal could lie.

Mian Abdul Aziz : You replied on the 28th January, 1938, that there was stigma against them ; even to-day. The statement is conflicting.

ADJOURNMENT MOTIONS.

Mr. Speaker : The honourable Pandit Shri Ram has again given notice of two adjournment motions. Not only because the budget is so near that they are out of order, but they are also out of order on merits.

Pandit Shri Ram Sharma : Will you kindly allow me at least to read them out before the House and say a few words ?

Mr. Speaker : He may read them if he likes but he cannot make a speech.

NOMINATIONS TO ROHTAK MUNICIPAL COMMITTEE.

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 uncalled for interference of the Punjab Government with the discretion of the Commissioner, Ambala Division, in the selection of the personnel of the nominated members of the Rohtak Municipal Committee to be gazetted.

I want to say a word.

Mr. Speaker : No. I need not hear the honourable member. The motion is out of order. Assuming that the Government did what is attributed to them, the matter can be discussed when the annual budget is discussed. There is no question of urgency. The next motion.

TREATMENT OF "HARYANA TILAK" AS UNAUTHORIZED NEWSPAPER.

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 action of district authorities in treating the *Haryana Tilak*, Meerut, as unauthorized newspaper (while it has not been declared as such) on a certain circular issued by the Government as evidenced by the replies given to my starred question No. 6015¹ and the supplementaries thereon.

Mr. Speaker : Not only is there no urgency, but there is further reason why the motion should not be allowed. While the honourable member will say that the *Haryana Tilak* is not an unauthorized paper, the Government will say that it is an unauthorized paper. That is a question of law and can be decided only by a court of law. It cannot be decided by a show of hands or by arguments. Therefore, I consider this motion to be out of order.

MEETING ON WEDNESDAY AND HOURS OF SITTING.

Premier : Sir, I beg to move—

That the Assembly shall meet on Wednesday, the 28th February, 1940, at 12 noon and that the Speaker shall adjourn the Assembly without question put at 6.30 p. m. on that day.

Sardar Hari Singh : At 4.30 p. m. (Voices : No).

Mr. Speaker : Let me first propose the motion to the House.

That the Assembly shall meet on Wednesday, the 28th February, 1940, at 12 noon and that the Speaker shall adjourn the Assembly without question put at 6.30 p. m. on that day.

Sardar Lal Singh : Sir, I am in full sympathy with the motion moved by the Honourable Premier, but I must object to this untimely and unexpected interruption of all our programmes at such a short notice. At least 24 hours' notice should be given. If this is to be repeated again, I would suggest that the Honourable Premier will kindly try to bring such proposals with longer notice so that we can adjust our programmes accordingly.

Chaudhri Krishna Gopal Dutt : I have got another objection which is a very important one. While we agree with the spirit of the motion moved by the Honourable Premier, we have to ask him a question in this respect. Does he consider it fair that, having robbed the House of its holidays which it enjoys, the entire group of Ministers absent themselves on the working days when even important and fundamental questions are being discussed? Only the other day, when the Relief of Indebtedness Bill was under discussion, not a single Minister was occupying his seat and the Opposition was seriously thinking of leaving the House because there was no use discussing that Bill when there was no Minister here to whom we wanted to address our arguments and who would consider our arguments and reply to them. What is the use of having the meetings of the Assembly even on Wednesdays and Saturdays when the Ministers absent themselves *en bloc* when important measures are being discussed?

Chaudhri Kartar Singh : Sir, may I say a word with regard to the motion now before the House? I may submit that the Opposition party do not object to the taking up of Wednesday, an off day, as a working day, but if the Government have done this with a view to save some money I would suggest that instead of resorting to this method they can reduce the allowance of the members from Rs. 20 to Rs. 10. Instead of accepting this suggestion the Ministerial party has often charged the Opposition party for delaying the business of the House and thus wasting the precious time of the House. But the fact of the matter is that the attitude of the

[Ch. Kartar Singh.]

members of Ministerial party towards the Opposition party is, if I am permitted to say so, against all laws of morality and decency. They in the intoxication of their power of majority comprising of 112 members as it is, do not pay any heed to the wishes of the Opposition party at all. Let them remember that we the members sitting on this side of the House have to earn our livelihood as well. We are not getting a salary of Rs. 8,500 a month that we can safely sit here without doing anything else. I would therefore request the Honourable Premier that before changing the day to day programme of the Assembly sittings he should consult the Leader of the Opposition and should not go on moving such motions merely on the strength of his majority.

Mian Abdul Aziz (Outer Lahore, Muhammadan, Urban) (*Urdu*): Sir, according to the Rules of Procedure the time laid down for the sitting of the Assembly is from 2 p. m. to 6-30 p. m. Since last year we have changed the hours of sitting some twenty times. In spite of this continual suspension of the rule it is still in existence. If the Government have to make a motion constantly for changing the time from 2 p. m. to 12 noon, why do they not amend the rules?

The Honourable Ministers are paid three or four thousand rupees per mensem and then it is a part of their duty to be here, but other honourable members have to look to their own profession or business also and unless they are told beforehand that the time of the sitting is going to be changed they cannot make any adjustment in their engagements. Probably they adopt this attitude of rising up all of a sudden and moving for the suspension of that rule, purposely with the object of discouraging our attendance in the House.

By objecting to this motion I do not mean that you should not hold longer sittings nor do I wish that we should not sit on off days. I do not also wish that the expenditure should increase. I only want that if you are so minded you should clearly declare that the Assembly shall always meet at 12 noon and that off days will always be utilized.

I have here with me a representation, which contains the signatures of nearly 40 honourable members of this House and among those who have already signed many belong to the Ministerial party.

Sir, I have only risen to record my protest against the attitude by the Honourable Premier in suddenly rising up every now and then to make a motion of this nature. We should be given sufficient notice of any such intention of the Government so that we may be able to make adjustments in our programme.

It is certainly most improper that a member should object to the hours of sitting simply because he has to attend a function or has to play tennis. As the Honourable Premier says, the business being considerable, he wishes to expedite it; let me assure him that we are ready even to meet on Wednesdays, Saturdays, and if need be on Sundays also and in addition to that we will even forego our allowances. I am of opinion that no attendance allowance should be paid to the honourable members residing in Lahore and if it is to be paid, it should be reduced to a great extent. Similarly other members should get a much smaller amount of daily allowance to

reduce the burden of expenses and have longer sittings of the session. The same should apply to the Ministerial party. But let me also submit that he should not do this by getting up every now and then without previous and timely notice to the House, and pass on a slip to Mr. Speaker. If he has at all to do this he should give due notice of his intention and then have the change made with the consent of the House.

Dr. Gopi Chand Bhargava : May I request the Honourable Premier to let us know why he wants the session to be held to-morrow and for so long, from 12 noon to 6.30 p. m. ? Can he not make it 2 p. m. to 6.30 p. m. or 12 noon to 4.30 p. m. ?

Premier (The Honourable Major Sir Sikander Hyat-Khan) : I am glad my honourable friend has put that question. I was going to suggest that even the question hour should be dispensed with to-morrow, for the simple reason that we have made very slow progress with the Bill under discussion ; and I trust my honourable friends opposite will concede that if we continue at the rate at which we are proceeding, then we may not be able to dispose it off till doomsday. My honourable friends are aware that from next week onwards one whole month will be taken up by the budget, as I had to change the programme in order to accommodate my friends opposite—and I am only too glad to be able to accommodate them.

My honourable friend, Sardar Lal Singh, stated that I had sprung this motion on the House. I have been constantly warning the House for the last fortnight or more that if the progress of work is not satisfactory, we may have to sit on Wednesdays and even Saturdays, and I should have thought that that was sufficient warning to members to adjust their engagements accordingly. My honourable friend, Mian Abdul Aziz, has again raised the question of the hours of sitting. We first started with 2 o'clock. It was found that certain members found it inconvenient to sit till 6.30 p. m., specially when there is an adjournment motion, as then the House has to sit till 8.30. Therefore it was decided by the House that we should meet at 12 noon so as to enable members to get back home and get a little rest or exercise, and allow members from the mofussil to catch the evening train if they wanted to get away. For these reasons we altered the time. I do not think that it has caused any hardship. So far as my honourable friend is concerned, he is a busy lawyer and it would make no difference to him whether we sit from 12 or 2.

Mian Abdul Aziz : I have to adjust my cases and I am generally present here.

Premier : The honourable member is a public-spirited gentleman, and has taken upon himself the responsibility of representing a certain constituency. Public service demands that personal and professional considerations should give way before business which is of the utmost public importance. I would be glad to accommodate my honourable friend ; but I am afraid that if we started accommodating every one, there would be confusion worse confounded. A lawyer like my friend, who happens to have a big practice and also to represent an important constituency, has to choose between the two—in his professional work and his duty as a member of the House—just as we have chosen and every other member has chosen. My honourable friend knows that for a zamindar harvest

[Premier].

time is important and requires his constant attention even more so than a busy lawyer because his livelihood depends on the efficient and timely harvesting of his crop.

Dr. Sir Gokul Chand Narang : They do not have to work for their harvest.

Minister : And yet the zamindar members have never grumbled. They have been sitting here day in and day out like several others who have their professional work to do. There is my business friend Sardar Santokh Singh over there who has to attend to his big business interests, and yet we find him regularly attending, coming from a long distance every day at great personal inconvenience and may be at personal loss, because of the public duty which he has taken upon himself to discharge. My honourable friends should not consider their own individual convenience. Does my honourable friend realize that other members also have to sit in this room coupled up day in and day out, sometimes for eight hours or more a day and have in addition to do their day's work also ? But they never grumble. My honourable friend should also be prepared to put up with a little inconvenience for the sake of public duty.

I warned the House about a fortnight ago and then again about a week ago that we may have to sit on Wednesdays and possibly on Saturdays also. But previous Wednesdays were not taken up because I hoped that the progress might be quicker and it may not be necessary to sit on Wednesdays. I quite realize that some honourable members may have made other engagements, but they should have anticipated that if the rate of progress was not satisfactory, longer sittings would be necessary to accelerate the pace of work ; and it looks as if it would be necessary to sit even on Saturdays during the rest of the session.

Dr. Sir Gokul Chand Narang : What is your standard of progress ? Is it that a Bill should be passed every day ?

Premier : Not that one clause should take three days to dispose of. I trust that my honourable friends opposite will co-operate with me in expediting business.

Dr. Sir Gokul Chand Narang : Yesterday two clauses were passed in half an hour.

Premier : My honourable friend has a short memory.

(At this stage the Opposition Leader stood up to speak.)

Mr. Speaker : The honourable member has no right to make another speech. He may ask a question, if he likes.

Dr. Gopi Chand Bhargava : I am one of those who think that—

Mr. Speaker : That is not a question.

Dr. Gopi Chand Bhargava : I have not made a speech so far. I asked a question to which the Honourable Premier has just replied.

Mr. Speaker : The question was so long that I took it to be a speech. The honourable member may have his say.

Dr. Gopi Chand Bhargava : I could not have spoken because I did not know what the object of the Honourable Premier's motion was. I wanted the Honourable Premier to enlighten us as to what his motion meant. If you think that that was a speech in reply to the remarks that had been made on this question, then I am afraid I cannot speak, but if that was only a reply to my question then I shall be permitted to speak to which the Honourable Premier can reply if necessary.

My submission is that as I said before we will be only too glad if the session were held on all days of the week including Sundays if necessary. We will be glad to devote as much time as is humanly possible to expedite the work and thus save the public money. But our grievance is that timely notice is not given to us. If it is decided to-day that we are to meet from 11 to 8 o'clock on every day of the week, we will be prepared to work on those days and during those hours. But timely notice should be given. Even now if the Honourable Premier says that we should sit on all Saturdays and Wednesdays and even on Sundays we are ready to do so. But we should know beforehand so that we may fix our engagements. Otherwise we will have to cancel our engagements already made. A notice to-day that we are going to sit to-morrow is not sufficient. That is our first objection.

The second objection is that if you are going to change the hours do not change them in this fashion. The rule is that we should sit from 2 to 6.30 and now a convention has been established that we should sit from 12 to 4.30. Now if we are going to sit on Wednesday, by all means observe either of these hours. But it is not fair to hold a meeting at short notice and then to fix the hours as from 12 to 6.30. I hope that the Honourable Premier will agree to this that we sit either from 2 to 6.30 or from 12 to 4.30. At the same time let us also know whether he would like us to sit on Saturdays and Wednesdays. If much progress is not made with the Bill, it is not our fault. We should be allowed to make the observations which we think are necessary. Repetitions cannot be made and you are here to stop repetitions. If according to the Premier sufficient progress is not made, it is not our fault. We cannot help it. The Bill is so defective. We have to express our views and I hope nothing will be done to gag us from expressing our views simply because the Honourable Premier thinks that the Bill has not made sufficient progress.

Premier : So far as the hours of sitting for to-morrow are concerned, I suggest that we should sit from 12 to 6.30. With regard to the future I would request my honourable friends, as a matter of precaution, not to fix any engagements for Wednesdays, and perhaps Saturdays also, till the 15th of April next. My honourable friend, the Leader of the Opposition, has suggested that we should not sit for more than $4\frac{1}{2}$ hours. I should be only too glad if we could finish our work by sitting for only $4\frac{1}{2}$ hours. If we sit for $6\frac{1}{2}$ hours on any one day, we might be saving an extra day. Therefore, so far as to-morrow is concerned, we had better adhere to my proposal. Later on if we have to sit on Wednesdays and Saturdays, I will in consultation with my honourable friend opposite fix the duration of the sitting according to the state of business.

Mr. Speaker : Motion moved is :—

That the Assembly shall meet on Wednesday, the 28th February, 1940, at noon, and that the Speaker shall adjourn the Assembly without question put at 6.30 p. m. on that day.

The motion was carried.

SUPPLEMENTARY ESTIMATES.

GENERAL DISCUSSION.

Sardar Hari Singh (Kangra and Northern Hoshia pur, Sikh, Rural) :
Mr. Speaker, I wish to discuss the estimates of expenditure charged on the revenues of the province because these are items of the budget which we cannot disapprove by means of cut motions. If you turn to the summary given at the very beginning of this book of Supplementary Estimates, you find that the supplementary estimates are divided into two columns, like the original estimates, into voted and charged and if you add up these columns, you will find that out of a total of about 84 lacs for both voted and charged items, as much as about 17 lacs are included under non-voted items. That is about half the supplementary estimates are being eaten up by non-voted items which we may discuss on the floor of this House but which we cannot disapprove. Therefore: when we are discussing these items, we must be very attentive, very serious as to how these items of expenditure are necessary and how they are justified. I have to begin with demand No. 2 regarding the introduction of the new system under the Indian Motor Vehicles Act. There we find that the Government is making the appointment of one officer who is an I. C. S. officer on special duty in connection with the new system under that Act. He is being appointed on a pay of Rs. 1,200. Besides that pay he will be given a special pay of Rs. 200 and over and above that special pay, he is to be paid sterling overseas pay at the rate of Rs. 333-5-4 and the total under this officer's pay comes to Rs. 2,410 besides Rs. 150 as travelling allowance.

All that pay and travelling allowance is non-voted. Now I have to ask a question of my friend the Finance Minister in regard to this matter. Why was it found necessary to appoint an I. C. S. officer? Could he not find a competent P. C. S. officer for this job? Secondly, what is his overseas pay about? This is the second question on which I require clarification. Thirdly, and that is a very important point, what is the reason for the creation of a special pay for this officer? That is not the only occasion that he has created a special pay for an I. C. S. officer. If we go through the pages of the Supplementary Estimates we will find that special pay has been created in some other cases too. For instance, in item No. 4 to the Reforms Commissioner, besides his salary and allowances, my friend the Finance Minister out of his bountiful heart has given the special pay of Rs. 200 per mensem for onerous and additional duties as he styles them and in demand No. 16 we find he again has been over-generous—from our point of view he is over-extravagant—and he has created special pay for the Director of Panchayats at the rate of Rs. 150 per mensem over and above his pay and travelling allowance. Now I want to ask a question of my friend before I proceed with this matter further. The question is about this special pay. I want to know whether:

the special pay in the case of these three officers under non-voted items is a creation of the Minister himself or it has been imposed on the revenues of the province by special orders of the Governor or of the Secretary of State for India. I want to have a direct answer to this question before I proceed with this further. I want to know whether the special pay has been created by my friend the Finance Minister by the order of the Governor or of the Secretary of State.

Minister for Finance : Special pay is settled by the Punjab Government.

Sardar Hari Singh : So I take it that it is the creation of the Finance Minister and his colleagues in the cabinet. As he has thrown light on this matter, I think the House may discuss the matter further. In all administrative matters, the responsibility of the Government lies either to this House or the responsibility of the Government in special cases where the Governor acts in his discretion or in his individual judgment the ultimate responsibility is to the Secretary of State for India or ultimately to the British Parliament or to the British electorate. Now in this case according to the admission of the Finance Minister this special pay of Rs. 200 in one case and of Rs. 150 in another case is the creation of the Ministry and in this matter the Ministry is responsible to this House. How can the House discharge its responsibility to the electorate? (*Interruptions*). I would like the Honourable Finance Minister to listen to me, because I would like him to satisfy the House on this point and I ask the over-zealous Parliamentary Secretary to the Revenue Minister to mind his own business and not to interfere in the matter which is not his concern.

Minister for Revenue : You cannot dictate.

Sardar Hari Singh : I am not dictating. I am asking the Finance Minister to listen to my arguments carefully.

Minister for Finance : I am listening.

Sardar Hari Singh : And I do not want any interference from any busy bodies.

Mian Sultan Mahmood Hotiana : Make your speech more interesting.

Sardar Hari Singh : My point is that in giving him special pay the Minister is responsible to this House and the House can exercise its responsibility only by approving or disapproving his act in creating the special pay, but the House is debarred from exercising its responsibility to the electorate by having a control over this particular act of the Finance Minister, because the House is not in a position to disapprove of this item of special pay, because it has been included in the column of non-voted items or charged items. If it had been a creation of the Governor or the Secretary of State for India, it could have been included in the charged items, but because it is a creation of the Finance Minister who is responsible to this House, therefore it ought to have been in the voted items so that the House could exercise control over this particular act of the Finance Minister. Now who is going to disapprove of this item? It is not in the interest of the province that special pay should be paid to one or the other officer. Who is going to disapprove of it? This House or the Secretary of State for India? Is my friend in creating this special pay responsible to the

[S. Hari Singh.]

House or responsible to the Secretary of State for India? I want an answer to that question. I do maintain that as a Finance Minister he is for his individual acts responsible to his cabinet colleagues and then to this House and then to the electorate outside in the Punjab. We think this special pay is unjustified, but we cannot disapprove of it. We have to discuss it, talk about it, but we cannot say that it should be eliminated from the supplementary budget provision. Therefore it is a very anomalous position. But I raise this point which is a very important point, constitutional point, so that this matter may be thrashed out once for all, so that more constitutional and legal light may be thrown on this matter by other members of this side of the House and by the Finance Minister who may consult law officers of the Government and this matter may be settled once for all, because I think if this matter is allowed to rest where it is, it will result in serious encroachment of the responsibilities, the powers and privileges of this House, if a Minister were allowed to create special pay for an I. C. S. officer or a P. C. S. officer and go along and say I am not responsible to this House, you may talk over this, you may express your opinion about this, but I am not responsible to you, because this special pay is attached to an I. C. S. officer who is quite sacrosanct under the constitution. The I. C. S., his substantive pay, his other emoluments, his travelling allowance, his overseas pay, they are all sacrosanct under the constitution, because they have been created by the Secretary of State for India. Only the Secretary of State for India can reduce his salary, can remove the I. C. S. officer or can dismiss him, but while we are crying day after day that we should have the power of full control over the salaries of I. C. S. officers, my friend goes along and says here with one stroke of pen, "I create special pay for the I. C. S. officer who is going to be put in charge of the work under the Indian Motor Vehicles Act" and then says the Panchayat Director shall get Rs. 150 more as special pay, because he is the Finance Minister of the Punjab and there is no one who can dare defy his behests. That is a most important constitutional point, but besides its constitutional importance we have to look at the desirability of it. When under the present conditions famine is raging in a large area of the province, when they say we are having a deficit, we are in need of money for Bhakra Dam, for Haveli Project, for Thal Project and for other works that the Government has in hand, when the Government is in need of money for educational purposes, when the Government is in need of money for subsidizing the district boards, local bodies, municipalities, when at such a time we want more money for beneficent activities, is it proper, is it desirable that he should pamper the already over-pampered I. C. S. officers?

Then we pass on to page 6. There we find a provision of Rs. 4,51,600 for civil works for which capital accounts are kept. We find in the note attached to this estimate—

Additional funds to the extent of Rs. 4,51,600 have been found to be necessary under 'charged' to meet expenditure on capital outlay for the Thal Project for which no provision was originally made, and also to meet initial and incidental expenses incurred on raising the loans in past years which are now to be adjusted against commercial departments.

We are entirely in the dark as to what amount of money included in this amount is the real interest and what amount can be called incidental and initial expenses incurred in connection with the raising of the loans in past years. I should like the Honourable Minister to enlighten us fully as regards these details, namely, how much of this represents interest and how much other expenses, what is the amount on which interest is being charged, what is the rate of interest, when was the loan raised and whether he does not consider it appropriate, if not obligatory on him, to have obtained the sanction of the House before raising the loan if it is possible for him to do so. Only the other day when the British Government wanted to raise a loan for war purposes, an announcement was made on the floor of the House of Commons and a discussion on the proposal of the Government went on for days together in the House of Commons. Every section of the House made concrete suggestions and the Government promised that all of them would be carefully considered before the loan was actually raised.

Now, let me pass on to demand No. 3 at page 7. There we find that a total of Rs. 58,280 is required in connexion with this demand under the non-voted head. How is this expenditure to be incurred? My friend proposes to have for the Canal Act Committee one Chairman at Rs. 2,400 per mensem. I find from the estimates that Rs. 7,200 of the pay of the Chairman is "charged" and Rs. 7,110 is voted. I should like to know what part is really voted and what part non-voted, because it is not clear to me either in the estimates or in the memorandum. Further on we find that as regards the Financial Commissioner (Revenue) three-fourths of his salary is charged and the rest voted. I want the Honourable Minister to explain how he arrived at this proportion of three-fourths as charged and how he accounts for the remaining one-fourth. Again, we find that the Canal Act Committee completed its labours and signed the report on the 31st of August, 1939. That is to say, the work of the committee was over even last summer and it ceased to exist several months ago. I should like to know why this supplementary demand was not included even in the first supplementary estimates. Why should he have waited till now to present this estimate?

Coming to the second item in the same demand, that is, formation of High Dam Circle in connexion with the revision of the Bhakra Dam Project, we find that the pay of the Superintending Engineer in charge of the Circle is fixed at Rs. 7,050 whereas twenty-six employees under him will cost Rs. 40,000. There is a serious disproportion between his pay and the total pay of the other officers. However, that is not a new thing. It is an old, old complaint of ours that our administration in every department of Government is very much too heavy. This is only a further illustration of our charge.

Then passing on to pages 10-11 of the estimates, we find the estimates for the Project Division, Western Jumna Canal. Here also there is a glaring disproportion between the salary of the topmost man and his subordinates. The salary of the topmost man is 20 per cent of the whole division consisting of over five dozen employees.

Now, let me pass on to item (8) relating to Thal Project. There the estimate of non-voted item is Rs. 89,700 and the voted Rs. 3,35,900. Against one Chief Engineer we find Rs. 12,700 as non-voted and Rs. 38,600

[S. Hari Singh.]

as voted. I should like the Finance Minister to throw a little light on this matter, that is, how a portion of the expenditure is voted and the other non-voted. We are quite in the dark even after reading the memorandum as regards this apportionment.

Then there are 2 Superintending Engineers, 3 Executive Engineers, whose salaries are not voted. Against these 2 Superintending Engineers we find Rs. 16,850, plus Rs. 2,000, leave salary. The total is Rs. 19,800. As regards Executive Engineers, as against 3 Executive Engineers, we find Rs. 29,920, and leave salary Rs. 2,000, of which one-third is non-votable. In the same project, that is the Thal Project, we find 1 Chief Engineer, 2 Superintending Engineers, plus their travelling allowance, plus 3 Executive Engineers, 6 Engineers and their pay and travelling allowance comes to Rs. 89,760. This is 20 per cent of the whole amount of all these, including Assistant Engineers, their establishment and Police Guard. Still we have other departments, like the Land Acquisition Department, Medical Department and contingencies. The whole of the rest will cost Rs. 3,85,900. If you subtract from this amount the pay of the Chief Engineer, which is voted and then the contingency under Superintending Engineer, the contingency under Executive Engineer, the contingency under Medical, the remainder comes to Rs. 3,05,990. My point is this that under this Thal Project we find for 6 bosses, 6 top Engineers Rs. 89,700 and the rest of the whole host, that is, 414 employees, excluding menials will be paid Rs. 3,05,990; and these 6 bosses at the top will be paid Rs. 89,700. So, the average annual cost of a boss is Rs. 14,950, and the annual average cost of a subordinate—they are not menials, they are not chapsrasies, they are important functionaries working in the Thal Project—is Rs. 739. So a boss is 20 times costlier than a subordinate. But in this calculation there is an error. In fact if we exclude from the voted portion Rs. 83,600, which is included under the Chief Engineer voted, we find that the annual cost of one boss is Rs. 20,550, and the annual cost of a subordinate is Rs. 739.

Minister for Finance : May I know who is a boss ?

Sardar Hari Singh : The bosses are Chief Engineer, Superintending Engineers and Executive Engineers. The boss is 27 times costlier than a subordinate.

Let us now pass on to page 24 of the Supplementary Estimate. There is an item of Rs. 5,82,000, as interest on debt and other obligations. Now what is this amount for ? When was the debt raised by the Punjab Government. We believe that the Punjab Government floated a new loan called 3 per cent Punjab Bonds, 1940. The issue price was 98 per cent. The Government had to pay a discount of Rs. 2 and this Government had to pay for 6 months. The interest voted is Rs. 3,76,440, and the discount is given as Rs. 5,01,920. So the total is Rs. 8,78,360 net. Some of this amount is to be met from savings anticipated within the Major Head. The net amount required under this Head is Rs. 5,82,000. The fuller information is lacking in the Memorandum under this Major Head 22. We are not told when this loan was floated and on what date, and why was not this sum of Rs. 5,82,000 included in the first instalment of the Supplementary Estimate in October last ? think this loan was floated before October

and I think before the war was declared. So, it ought to have been included in the first Supplementary Estimate. The Government should not have waited so long, up to February at least, up to the Budget Session to enlighten the House as to how much Government has incurred in floating the new loan. I would like my honourable friend to enlighten us.

Then let us pass on to Demand No. 4. We find very interesting revelation as to the mentality of our present Ministers. Under this Demand in the first instance we find a special pay created for the Reforms Commissioner. As I have already discussed, that the creation of this special pay as non-voted item, is not a proper thing. As it has been created by the Minister, it is a voted item. Item No. 2, under Demand No. 4, is a very important item. It concerns the Secretariat and Headquarters Establishment. Here my honourable friend demands Rs. 17,900 as non-recurring expenditure, and he gives reasons for this excess over the original estimate. He gives two reasons. I hope my honourable friend will turn to these reasons, so that we may ponder over them together.

The first reason mentioned by my friend is the additional appointment of Joint Chief Secretary and Secretary to the Premier.

2 p. m.

The second reason mentioned that the post of Under Secretary Local Government, which was held by an officer of the P. C. S., was converted into a Deputy Secretaryship, the incumbent of which is an I. C. S. officer. These are very important revelations made by my friend and I may well ask why this additional appointment of Joint Chief Secretary has been made and why a new post has been created in the year 1939? Is it on account of the War or is it in order to find a new job for an I. C. S. officer? Is it to consume further I. C. S. men in the Punjab services or is this officer carrying on any special responsibility in connexion with the War or some other duties which have fallen on the shoulders of the Ministers of the Punjab Government? The Punjab Government has not to carry on any special responsibility of the Defence Department of the Government of India. I think a question was asked during the last session as to why this appointment of a Joint Chief Secretary was created and War was the reason given for the creation of this appointment. I think one I. C. S. officer was due to retire and because the War broke out, he was retained in service because War was a very good excuse for retaining him and giving him further extension. That is why a new post of a Joint Chief Secretary was created. I would like my friend to throw full light on the matter as to what are the duties of the Joint Chief Secretary and why an I. C. S. Officer has been put in charge of this post and why a P. C. S. officer has not been given the opportunity to hold this post. Why do they shirk training their P. C. S. officers so that in years to come they may shoulder the duties which are now being performed by I. C. S. men? Days are coming when we shall not stand in need of I. C. S. men, when we shall, under the pressure of public opinion, have to dispense with I. C. S. people altogether and we shall have to depend on P. C. S. men. Let us give them training for the onerous duties of Joint Chief Secretaryship or Deputy Secretaryship. In other provinces, where Congress Governments came into power, Indians were appointed as Chief Secretaries but here my friend, far from appointing an Indian as Chief Secretary, is giving all appointments of a lesser character, such as those of Joint Chief Secretary, Secretary to the

[S. Hari Singh.]

Premier, Under Secretary or Deputy Secretary to the Local Government, to British I. C. S. men and not to Indian I. C. S. men. I think the Joint Chief Secretary is a Britisher. Secretary to the Premier—I do not know who the man is—is a British I. C. S. man. You will be amused to learn that the name of a certain post was changed and a new label was put upon that post, that is, Under Secretary, Local Government. This post was held by a P. C. S. man and all of a sudden the label of this post was changed and Under Secretary, Local Government, was styled as Deputy Secretary, Local Government. Why? So that under a new colour the post may be held by an I. C. S. man. This post is being held by an I. C. S. man who, I think, is an Englishman.

Minister for Finance : No.

Sardar Hari Singh : I am glad that he says, No. (*Interruptions*) My point is that three I. C. S. men have been appointed to three posts of Joint Chief Secretary, Secretary to the Premier and Deputy Secretary, Local Government. Why have I. C. S. men been given these important posts and why are P. C. S. men not encouraged? Why could these posts be not used for training the P. C. S. men? No one can dare say that there are no men with requisite qualifications among the P. C. S. men who can do justice to these important posts. If we can find men who are not I. C. S. people and who can hold responsible posts of Premiers, Ministers, Finance Ministers, etc., in the Indian provinces under the new constitution, it cannot be said that we cannot find men who can be subordinates of our Ministers under the new constitution. There is a rumour abroad—and I would be glad if that is contradicted on the floor of this House—that there is a secret pact between the I. C. S. men and the present day Punjab Ministry. What is that pact? That is a pact of mutual help and assistance—I. C. S. men helping the Ministry and the Ministry helping the I. C. S. men and both having a sort of Freemason partnership between themselves for mutual help and assistance. I shall be glad if that rumour is not correct.

Minister for Finance : It is entirely incorrect.

Sardar Hari Singh : It may be entirely incorrect but there is the impression. Anyhow, there is no written agreement.

Minister for Finance : There is no agreement of any description.

Sardar Hari Singh : There may be a mutual understanding. Anyhow, these doings of the Ministry do go to prove that they have got very much liking for the I. C. S. people and they do not like the P. C. S. men. You cannot disprove this allegation unless you do so by your acts and your acts go to show that I am in the right. If we turn to item No. (4) on page 83, it will be seen that my friend wants Rs. 1,86,100 as non-recurring expenditure under this item and he gives reasons for this excess over the original estimates. What are the reasons? Three reasons are given and let me read them one by one. They are—

- (i) Change in the classification of expenditure on the pay and allowances of Punjab Civil Service officers holding listed posts in a substantive capacity from "voted" to "charged" with effect from 1st June, 1939.
- (ii) Compulsory recall from leave of several Indian Civil Service officers, on account of the outbreak of war.

(iii) Administrative changes.

My friend the Honourable Minister of Finance, who is responsible for the preparation of this supplementary estimate, should not think that we on this side of the House are fools or we cannot look into the mind of the Minister of Finance.

Chaudhri Krishna Gopal Dutt : They think that you are knaves.

Sardar Hari Singh : They should not think us to be too simple. He should enlighten us as to what administrative changes necessitated excess over supplementary estimates. Before he can convince us, he should see that he is on sure ground. Could he not put a paragraph under reason No. (iii) showing the circumstances which necessitated the excess? Could he not show what I. C. S. men were recalled from Europe or from leave on the outbreak of War? And why? As regards No. (i), which is a very important point from our point of view, why has there been this change in the classification of expenditure on the pay and allowances of P. C. S. officers holding listed posts in a substantive capacity? We on this side of the House, and I have consulted many friends, are not aware of any statutory obligation; there may be one. But why has this change been effected in the classification of expenditure on the pay and allowances of P. C. S. officers holding listed posts in a substantive capacity? It may be all right, legal and constitutional, but we are not aware of any constitutional reason. Let him not ignore this point, but throw light as to the constitutional position, as to the necessity, urgency and obligation under which he has effected this change and why with effect from the 1st June, 1939? Why has the 1st June been chosen as the auspicious day for effecting this change? What was the authority and sanction for this and what was the obligation that has necessitated the choice of 1st June, 1939? Where is the necessity for effecting this change from voted to non-voted item?

On page 35, you will find under major head "27—Administration of Justice", that my honourable friend wants Rs. 1,47,150 as amount charged. Under this head, we find District and Sessions Judges, Rs. 1,61,690 and Subordinate Judges, Rs. 2,670. Then Courts of Small Causes, Rs. 600 only. The non-recurring total charge comes to Rs. 1,64,360 under District and Sessions Judges. What are the reasons for this increase over original estimates? We are told that the increase of so many rupees is mainly due to the fact that pay and allowances of P. C. S. officers and members of the Bar holding substantively posts of District and Sessions Judges should be treated as charged expenditure with effect from the 1st June, 1939. The same story is repeated. I would ask for a similar information and enlightenment as regards this particular point.

On page 36, we find that Khan Bahadur Shaikh Din Muhammad has been granted extension of service by one year and on account of extension being granted to this officer, the provincial exchequer has been further burdened to the extent of Rs. 6,890. Why was this extension granted? Were there any special reasons necessitating this extension of service to the particular Khan Bahadur or is it a remedy for the disease of unemployment? I would refer you in this connexion to paragraph 83 of the Unemployment

[S. Hari Singh.]

Committee's report. That report has not been considered by the House yet and my honourable friend might say how could he act upon the recommendations of this Committee. Now, I would ask him to read this paragraph and he should not be absent-minded. This Committee before preparing final report and making final recommendations considered certain recommendations so urgent and important that they were forwarded to the Government as interim recommendations, long, long ago, perhaps, before my honourable friend granted extension to this Khan Bahadur. Let me read the relevant portion of that paragraph on page 80. It says :—

We make the following recommendations :—

- (1) Government must pass an executive order that any public servant who has qualified for full pension must retire at once whatever his age. If there is any rule or statutory provision which prevents such action immediate steps should be taken to amend it. Government servants who have been given extensions but who are otherwise eligible for full pension should also retire.
- (2) All Government servants should be made to retire, who have either attained the age of 55 years or have completed 25 years pensionable service whichever is earlier. Both these recommendations should also apply to servants of local bodies and institutions. The Provincial Government should take steps to ensure that these instructions are rigidly enforced.

Mark the words, ' these instructions are rigidly enforced '. Further on, on page 81 it is said :—

We urge that the Punjab Government should make earnest representation to the Government of India that these recommendations may be applied fully to all officers and subordinates serving in Central Department in the Punjab.

Further on, a few lines ahead you will find :—

We attach very great importance to all the recommendations that we have made in regard to services, particularly Nos. 1 and 3, as means for reducing unemployment and accordingly we considered it our duty to submit these two suggestions to Government as interim recommendations.

These recommendations were forwarded to the Government before the final report was written by the Committee and they must have been received by the Government long ago, probably a year ago before the extension of service was granted to this Khan Bahadur.

On page 66, under demand No. 16, which is the last demand I am going to touch, you will find that an I. C. S. man was appointed as the Director of Panchayats from 26th September on a salary of Rs. 1,100 per month, plus increment of Rs. 50 per month from 1st November, 1939. He has also been given special pay at Rs. 150 per mensem. Here again you will find that this particular job of controlling the establishment, of running and working the administration of panchayats, the local self-governing institutions in the villages, is being entrusted to an I. C. S. man. This officer is probably a European and I think I am correct. (*Minister for Finance* : No.) Could not my honourable friend find an experienced man, who has been in the service of the Co-operative Department and who has spent more than 15 years of his life as Assistant Registrar or Registrar or some other big official in the Co-operative Department who has got the experience of the working of village institutions? Could he not be selected for the purpose of being appointed as the Director of Panchayats? Why was an I. C. S. man selected for the purpose of running the panchayats in the Punjab?

Mrs. Duni Chand (Lahore Women, General, Urban) (*Urdu*): Sir, I rise to make a few observations with regard to the rules that are going to be made under the Motor Vehicles Taxation Act. Unless they are placed before the House for its approval we cannot judge whether they would be good or bad. We do not object to these rules being framed by the Government but we cannot tolerate the Government making such rules without consulting the House as may be likely to prove detrimental to the growth of this small industry. It is generally believed that in view of the rail-road competition, the Government does not want this small industry of motor plying to make any progress. It is true that most of the railways are run by companies and not by the Government but that being a big industry the Government wants to safeguard its interest at the expense of the smaller industry of motor plying. Those who are running lorry services try to earn their livelihood by investing their small capital in the business but the Government is showing utter disregard to the interests of these poor people. This Government always poses as the well wisher and supporter of the poor labouring classes but whenever its professions have been put to test it has failed miserably. These poor pliers of motor vehicles have to carry on their business in very queer and discouraging conditions. Their capital is limited in the extreme and they have to face a very unreasonable treatment at the hands of the police. If on the top of it the Government makes stringent and exacting rules, this industry is sure to be ruined. The Government professes a great solicitude for the welfare of the rural community and it should know that most of these motor-walas belong to rural areas. The Government should therefore safeguard their interest even without any request from this side of the House and it should not make any rules likely to prove prejudicial to these interests. There is a Persian saying *پیش از موی دره* and this Government is acting upto it. We do not know what rules have been framed. The Government has kept us in the dark with respect to them. And yet we are asked to vote money under this head. This naturally gives rise to the apprehension that the industry is going to be stifled. I warn the Government that such an action will recoil on itself because it will increase unemployment and those who have invested money in this industry will be thrown in the clutches of starvation.

My next submission is that the Government is going to appoint five regional authorities to carry out this work and the commissioners of divisions will work as chairmen of these authorities. Then if the work of the commissioners is found to be too heavy, each one of them will be assisted by an officer of the I. C. S. I draw the attention of the House to the fact that, firstly, the commissioners are never overworked. They have to spend very little time on the performance of their duties and can, therefore, cope with this additional work without the help of any assistants. Secondly, the salary of each I. C. S. officer intended to be appointed in this connection must be two or three thousand rupees per mensem and it is not proper to saddle the public with this financial burden. Again, these five I. C. S. officers will have to be replaced by others and thus there will be double burden on the exchequer. In this connection I would offer a suggestion to the Government. There are certain officers attached to the various departments who have almost nothing to do. If they are appointed to

[Mrs. Duni Chand.]

assist the commissioners, the public would be saved the double expenditure involved in the method proposed by the Government. It is within our knowledge that a good many activities of the Government suffer simply because it cannot meet the expenditure on the high salaries of superior officers and thus the work of general uplift of the people cannot be carried out. If the Government effects reduction in such expenditure it will be able to complete that work successfully.

Another point to which I want to draw your attention is that the Government is in the habit of giving jobs to such of its supporters as are not liked by the public at large. The object is to use them for canvassing support to the Government. Now if this sort of favouritism is allowed to creep into the working of this department this small industry of motor vehicle service is sure to suffer to a great extent. I would, therefore, request the Government not to ruin this industry and not to saddle the people with double financial burden.

I may also submit that the cause of the failure of the schemes undertaken by the Government is that there is corruption at every step of the working of its departments. The Government has no doubt appointed an Anti-Corruption Committee but there is no gainsaying the fact that this remedy has utterly failed to cure the malady. It has traced only 9 cases of corruption by this time, but my submission is that if you appoint an independent committee for the purpose, it is sure to unearth as many as 20 or 25 cases of corruption every month. I can assert without fear of contradiction that corruption is rampant in the Punjab. If the Honourable Premier takes the trouble of visiting any gate of Lahore he will surely come to know how the policemen callously exact illegal gratifications from the poor *tonga-walas*. There is a rule to the effect that no tonga can be made to stand outside the cab stand but if you grease the palm of a constable, all rules and regulations would cease to exist for you. Similarly if any lorry-wala gives a lift to a police official he can pack his lorry with 35 instead of 23 passengers.

You will observe, Sir, that sub-inspectors generally occupy the front seat and thus violate the law. I mean to say that unless the Government take serious steps in this direction these evils cannot be removed, although the Government may appoint a hundred and one committees to deal with this matter. The officers have become more corrupt. They know that nobody is going to check them however desperate they may be in taking bribe and committing irregularities. Under these circumstances, I must submit that the Government want to please their henchmen by giving them *doles*. Just imagine that *jagirs* paying two hundred and fifty rupees per mensem are given to people of a very low type. In this connection, let me cite an instance that in Ambala district a *jagir* was given to a person Sohan Lal who was boycotted by the public on account of his disgraceful behaviour. He was a man who went on trampeling on foot the children of that city and the people in order to demonstrate their anger and resentment against him brought out his dummy funeral. Is it not regrettable that the Government should award a *jagir* to such a callous and stone-hearted man. What is most objectionable is this. Why do the Government nominate such

people to district boards and municipal committees? Unfortunately Government is accustomed to reward those who are considered to be useless, dishonest and corrupt by the people at large. Does it not mean that Government wants to increase evil in this province by encouraging such people? It is for this reason that corruption has increased. My submission is that Government should keep up their reputation and prestige by appreciating the honest officers irrespective of the fact whether they are their kith and kin or they belong to other parties. If they are corrupt they must be duly punished. Let me ask whether Government is not well aware of the ugly scenes which we generally see at the time of elections. One vote is sold for five rupees. Does the Police not observe such incidents? I remember a Municipal Committee election where police was also present. It was to their knowledge that the sweepers of the city had been locked up in a room and they were not even permitted to go out for easing purposes. The local authorities were aware of the fact that *puris* were being prepared inside and *ladus* were being distributed among the voters. The Government have framed rules to the effect that any candidate found guilty of giving bribe should be disqualified for five years. Do they not overlook the rules, when a vote is sold before their eyes? I ask what are these rules for? I remember an incident in this connection. One of my neighbours built some rooms without getting the plan approved by the Municipality. I was surprised to see that he had built almost a new house on those rooms in a few days. One day I asked him why he was wasting his money on building that house without having got the permission from the Municipality, as one day the committee would demolish it. He replied that I should not make a complaint, otherwise he was not afraid of anybody in that locality. I may also tell you that just in front of my house lives the Assistant Health Officer who has frequent visitors. I wondered why no complaint was made to the Municipality. I waited for 20 days or say a month and nobody made a complaint against him. At last I informed the Secretary. When he came to visit that place I asked him whether anybody was entitled to build a house without first getting the plan approved and sanctioned by the Municipality. He replied that no such law existed and at the same time said that nobody was entitled to give advice to anybody to do so. Ultimately the Secretary ordered the demolition of the house. By referring to this incident I want to point out that such irregularities are being committed by the people and the officers being in the know of the matter do not care to take any action against them. Does it not amount to the officers closing their eyes intentionally and does it not amount to corruption? So far as ordinary cases are concerned corruption is there. There are not only one or two such cases. I may refer the Honourable Minister in charge to a hundred and one cases of corruption. It is clear that the departments lose their reputation because of corruption, and from the public point of view no importance is being attached to it by Government. If to-day the Government is out to eradicate this evil from the province and wants the co-operation of the Opposition, then my services are at its disposal. All we want is that the delinquents are brought to book. If this is done, no complaint will ever come from the Opposition. But the trouble is that false cases are started against those officers who are not corrupt and those who are corrupt are considered by Government to be faultless.

[Mrs. Duni Chand.]

As we staged a walkout the other day, I could not get an opportunity of placing before you the facts with regard to the Excise Bill. For instance, Government have laid down that the possession of excise bottles would be an offence punishable under the law. I think one alternative will be this. People will hide bottles in the houses of innocent persons and in some cases in order to save themselves from paying a fine of Rs. 200, they will hush up the matter by bribing the policeman. Government should, therefore, take all these points into consideration and then pass such Bills as may help them in eradicating corruption from the province. They should not adopt such measures as may result in the increase of corruption.

Now I want to say a few words with regard to the Anti-Corruption Department. I should like to submit that the Police Department is regarded as a very responsible, honest and reliable department in other countries. In our country the department of police has become notorious and I am not wrong if I say that 99 per cent of its personnel is corrupt. I do not want to paint them all black and that is why I have made an exception of one per cent, otherwise they are almost all of them corrupt. Now let us cast a glance on the officers of the Anti-corruption Department. But I will speak on that topic at some other time and will devote this time to the cut motion that is under consideration. It is very difficult for a person who is addicted to a particular habit to leave it altogether. Similarly it is next to impossible to expect a police officer to be honest. I am reminded of a story in this connection. Some respectable persons came forward to make complaints against a sub-inspector of police that he abuses respectable people indiscriminately. The officer to whom they went to complain asked the sub-inspector not to abuse any gentleman in future. The sub-inspector who had no control over his filthy tongue replied "All right, Sir, in future I will not abuse any rascal." (*Laughter*). So this *thanedar* abused even when he was defending his position. It follows from this that if such persons are appointed in the Anti-Corruption Department, corruption will increase rather than decrease in the province.

An Honourable Minister remarked in his speech the other day that several stills of illicit liquor are being worked in the entire length and breadth of the province. May I ask why so many stills are going on in spite of the host of lambardars, sufedposhes, zaildars and other such black sheep whom the Government maintains? Some corruption there must be among these officials; else these very officials who are so active in arresting and harassing the patriots and national heroes of this province would have put a stop to all these stills equally efficiently. There is corruption among them. It is wrong to say that illicit liquor is prepared for its cheapness. It is prepared because local officers take bribe and neglect their duty. Similarly, there are a number of gambling dens, but the police, which arrests lovers of the country, does not arrest these gamblers. Why? Simply because bribe is accepted by them. Their due share comes to them without any risk. But for this factor, the gambling dens would at once be closed.

I had a chance to tour the countryside and happened to visit the village of Shergarh where cattle lifting was rampant. I was told that the

police takes a certain share out of the stolen property. For example, a thief would give the police 10 out of 100 rupees that he has stolen. There are innumerable cases of this type, but I do not want to labour the point any further. Let our Ministry take a leaf out of the history of the Congress Ministers of the neighbouring provinces where they go out in disguise in order to see how their subordinate officers work. But here it is chaos all around. People are very much annoyed. I do not say this out of pleasure. I am pained to say this. The present chaotic state of affairs was not witnessed even in the days of the British rule. This is a cause of disgrace to the Government. For us it is painful. The least that the Government should do is to introduce social reform in the country. The officers should be instructed to observe the rules. Especially the preparation of electoral rolls which is commencing just now should be done according to the rules. The officers should be given to understand that though there are conflicts between the Opposition and the Government, they should prepare the lists of voters quite impartially and honestly. No injustice should be done to the supporters of the Opposition. Strict impartiality should be observed by the agency employed for this work. All the voters should be duly registered. Whereas it is easy to buy a lesser number of voters, it is very difficult to buy a larger number of them. It is therefore that I press for the larger number of voters to be registered so that they may be too numerous to be offered bribe and they should be able to exercise their right of vote quite independently.

There is another matter which I would like to bring to the notice of the Government and that is this. The enfranchisement of the people should be extended with a view to increasing the number of voters. I am of the opinion that as the existing number of voters in the constituencies is small, the votes have become a salable commodity. If their number is increased, I am sure, no candidate, howsoever affluent he may be, would dare to bribe so many voters. There is yet another thing worth mentioning. The registering authorities sometimes leave out the names of eminent persons while preparing electoral rolls. In this connection I may point out that last time Pandit Madan Mohan Malaviya's name was not included in the list of voters, through the sheer mistake of the registering authorities. The result was that the venerable Pandit was debarred from contesting Assembly elections. It is really a sorry state of affairs that through the negligence of officers the names of such outstanding personalities are left out. But at the same time those persons are brought on the electoral rolls, who do not possess even the requisite qualifications. Such people usurp the rights of the legitimate voters. I would request the Government to see that the officers appointed to prepare electoral rolls strictly conform to the rules laid down for this purpose. The officers concerned should be made to realise that they would be severely dealt with if they show undue favour to undeserving persons by registering them as voters or omit the names of genuine voters from the electoral rolls on account of some animosity. If Government pays no attention to the preparation of electoral rolls, I am sure during the next general elections the same ugly schemes would be witnessed. I would therefore urge upon the Government to take effective steps to prevent the repetition of such disorderly occurrences. They should frame rules regarding the registration of voters in such a manner

[Mrs. Duni Chand.]

that there may be no likelihood of any dispute or ambiguity arising out of it and that the voters may be able to elect a person after their own heart. Although I am sanguine that after the next elections Congress party would be returned to power, yet at present it is the Unionists who are in a position to amend or rectify a wrong rule.

Now I would like to invite the attention of the Honourable Minister to a serious complaint made by the womenfolk in regard to a rule which requires them to apply for being registered as voters. I do not know whether this rule has been amended or not. But this is a great hardship to which they are subjected. There is no such rule for men. It is only women for whom it is specifically laid down that they must put in an application if they want their names to be included in the electoral rolls. This is sheer injustice. I would ask the Government to provide the womenfolk same facilities in the matter of voting as are being enjoyed by men. I may point out that the Honourable Premier has declared time and again that it is his avowed policy to raise the backward to the level of advanced people. I ask : why does he not move his little finger in the cause of women ? He must be aware of the fact that the number of educated women is very small. They do not know why a person is enfranchised and what purpose is served by a voter. I see no reason why we should not approach them for recording their names in the electoral rolls when we all hanker after men in order to make them voters. There appears no justification for laying down this iniquitous condition that no woman can become a voter if she fails to apply to Government for being registered as a voter. I appeal to Government that if they have been so far unable to do anything good to the people they should at least amend this rule so as to exempt women from this condition and thereby earn their good wishes and a fair name for themselves.

Mrs. J. A. Shah Nawaz : Sir, may I with your permission inform my honourable sister that so far as suffrage of women in India is concerned, under the new constitution, women possessing the necessary educational qualification and also women who are registered as voters under the special qualification will have to apply for registration as voters. In view of this fact the Punjab Government is not to blame for enforcing this rule.

Mrs. Duni Chand : Whatever it is, my point is that this rule should be amended so as to relieve women of this hardship. In this connection I may state that last time I tried to get the names of certain teachers of Sir Ganga Ram School included in the voters list. But in spite of the fact that they were highly educated, I failed to get them registered as voters. I would again emphasise the fact that it lies in the power of the Government to amend this rule. I am of the opinion, that the Government can both do and undo a thing. Only some time back in reply to a query from the Central Government no other provincial Government had objected to the exclusion of castes in the census report. But the Punjab Government, took up the cudgels and lodged a strong protest against the exclusion of castes and emphasised that castes must be entered in the census report. The Punjab Government must behave like this, because they want the people of the province to remain in watertight compartments and that the question of separate electorates and that of agriculturists and non-agriculturists should continue to agitate the public mind so that they may exploit

the situation and go on ruling over the Punjab. As a matter of fact, no other provincial Government has thought it fit to keep the caste question intact because they want to make the people national minded. But what is the attitude of the Punjab Government? The Central Government suggested that there would be a decrease in the expenditure if the entry of castes, etc., was dispensed with. They were of the opinion that exclusion of castes, etc., and inclusion of names of various communities would tend to put an end to communal wrangles. But this did not appeal to our Government. They considered it necessary to maintain the caste system intact because they want to keep us under bondage and in fact strengthen the chains of slavery. I am rather of the opinion that Government has not done well in recognising the castes. But if a person who lost his way in the morning manages to reach his destination in the evening,

3 p.m.

he is not considered to have gone astray. Similarly if the Punjab Government should subscribe to the Congress ideals, all these differences would dissolve. However, we are all members of the same fraternity. In my opinion the Government would be well advised to shake off the shackles of slavery and refrain from creating gulfs between the different communities. With these words I close my remarks.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*): To begin with, I should like to submit that there is not a single pie in this item which is voted and this sum of Rs. 1,450 is being provided to meet the pay and allowance of the Fodder Adviser for the month of February, 1940. From this I am forced to conclude that it looks as if it is the considered policy of the Government that any officer against whom complaints have been pouring in from the people of that *ilaga* should be kept in that very *ilaga* as far as it lies in their power. Last time when the Supplementary Estimate (First Instalment) was presented to the Assembly in November, 1939, a sum of Rs. 8,700 was included to meet expenditure on account of the pay and allowance of the Fodder Adviser for a period of six months, from 1st August, 1939 under the Head 54—Famine. Now in the Second Instalment his pay for the month of February is being sanctioned. In this connection I may point out that yesterday in the course of supplementary questions I pointed out the arrangement made under the supervision of the Fodder Adviser, when as a matter of fact if any complaint was brought to his notice he did not care to pay any heed to it, but went to the extent of insulting and abusing responsible publicmen. I may point out that instead of getting the sanction of the House for this month's salary of the Fodder Adviser, he should be asked to refund not only his last six months pay but whatever other sums he has drawn from the Government Treasury. As a matter of fact the state of affairs in the famine stricken area is so bad that it has no parallel anywhere else. It will not be out of place for me to point out that if not from any other point of view at least as a member of this honourable House I do not think myself less responsible than any Honourable Minister over there. (*Hear, hear*). However, I sent these complaint of my *ilaga* to the Fodder Adviser to the effect that the contractors who have been appointed for distributing *bhusa* by way of relief, were actually lining their own feathers. The zamindars do not know as to what they should do and what they should not do. Further I sent a copy of the letter which I addressed to the Fodder Adviser, to the Honourable Minister for

[Pt. Shri Ram Sharma.]

Revenue and the Financial Commissioner Revenue, so that no possible excuse should be left for the Government that they were not informed beforehand. In my letter I pointed out that in the matter of supplying of fodder, loot has assumed such a serious proportion that it would be well for him to make inquiries. I asked him to depute an officer of the Government for this purpose and I would be willing to accompany him to any village and there we would send for the people of the village by a beat of drum and if 90 per cent of the villagers did not bear witness to the facts which I had related in the letter, I would be prepared to suffer the consequences. The whole truth of the matter is that the people are compelled to have cash of Rs. 6 or Rs. 7 for chits of Rs. 10 for bhusa. But when the people make complaints to the Fodder Adviser, no action is taken. This is the Fodder Adviser, for whom this sum of Rs. 1,450 is being demanded by the Honourable Minister. Now what was the answer that I received from him in reply to my letter? He stated that all the public men of Rohtak possess perverted mentality. (*A voice*: This is quite correct). If this is true in our case, it is equally true in the case of the Honourable Minister who belongs to Rohtak as well. I assure my honourable friends that the Fodder Adviser while making this sweeping remark has not made any exception. I then addressed him another letter asking him either he should himself conduct inquiries or depute some of his officers to do the needful. But he replied that he had no spare officer for this purpose. Let me point out that daily we have been hearing some such remarks from the Treasury benches that the Hissar famine has drained the Punjab Treasury while the fact of the matter is that the favourites of the Unionist party have been appointed in the famine stricken area to disburse famine relief and they are actually making hay while the sun of Hissar famine is shining. Fancy the treatment that is being meted out by the Punjab Government to such officers, that it is paying them huge allowances which are not even votable items and about which no out motion can be moved! I may point out the expenditure which the Punjab Government has incurred on the famine stricken area is merely a show, otherwise most of it has found its way in the pockets of the favourites of the Unionist Party. But after all there was one result of the hue and cry of the people. That was that the Deputy Commissioner asked an I. C. S. officer to make inquiries about the allegations of corruption.

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

Sir, I would like to draw your attention to the fact that an I. C. S. officer toured the villages of that area for about three months. During this tour he recorded the statements of numerous residents of those villages who without any exception stated that bribes had been extorted from them. They made many complaints against the contractor that he had misappropriated thousands of rupees and also made allegations against a certain officer—half of whose salary was being attached—that he had taken the side of the contractor. I had suggested some villages to this I. C. S. officer which I told him he must visit but he said that he will visit certain villages of his own choice along with those that had been suggested by me. But in all the villages people irrespective of caste and community complained

against the contractor and officials concerned and it was proved beyond doubt that illegal gratification had been extracted from them. If the Government were to do justice to the people they would have instead of presenting this item of the pay of this officer for the vote of the House sent them all to jail. Now, Sir, as that huge file which had been collected in the course of that officer's tour was forwarded to the Government, the matter was dropped on the excuse that the contractor had not been given an opportunity for defending himself. This is far from being the truth because not only was the contractor given such a chance but the officials who were in league with him also went from village to village trying to win over villagers to their side. All these efforts proved in vain because everywhere, even on being repeatedly asked, the only reply that the villagers gave was that the contractor was robbing them right and left.

Each time that I have given notice of a question, I have been told that the matter is under consideration. A year has passed and still the matter has not yet been completely dealt with and now I understand that the Government is going to appoint another officer—this time a P. C. S. officer to enquire into the matter. The result of the enquiry is a foregone conclusion—the report is bound to be of white washing nature. What will happen, will be, that the Honourable Minister will as usual say that all these charges are baseless and unfounded. It is therefore, that I urge, that this demand for grant for one month's salary of the Fodder Adviser should not be granted. The Fodder Adviser has not only tried to hush up all voice of complaint but has actually gone to the length of abusing respectable and responsible public men. No less than 15 contractors applied for the grant of fodder supply contracts but two persons were specially persuaded to undertake this burden. When I asked supplementary questions about the matter, it was said that those were men who had money and offered the best security, while the fact of the matter is that both these gentlemen were at that time insolvent, though now one of them has erected imposing buildings. I may further point out that one of these two gentlemen was the chairman of the Reception Committee set up to accord a royal welcome to the Honourable Premier and the Honourable Minister of Development when they visited that place on the 8th October, 1938, when goondaism and loot was rampant in the procession. This is the reward given to such men for the services rendered to the Unionist Party. So this is why these henchmen of Unionist Party were persuaded to take up the contract for the supply of fodder, although there is a regular outcry against the loot carried on by these people in the *ilaga*. The pity is that while I am saying all this, the Honourable Minister of Revenue is busy in conversation. Will he kindly lend me his ear?

Minister of Revenue : Have not these things been said and heard by us at least fifty times?

Pandit Shri Ram Sharma : You are paid to hear them, and not only to hear but also to rectify the mistakes that are pointed out to you.

The most deplorable part of the thing is that when the Honourable Minister of Revenue actually staged a tour of this *ilaga*, instead of making a sifting enquiry himself he confined his activities to greeting and having tea with those very people who were carrying on this 'loot'.

Minister : I did not meet the honourable member because he was not to be found there.

Pandit Shri Ram Sharma : I was there.

Minister : Then the honourable member must have assumed the garb of a *bhutna* to have escaped my vision.

Mr. Deputy Speaker : Honourable members should address the chair.

Pandit Shri Ram Sharma : Sir, I want to assure you that while 90 per cent. of the *bhusa* has been distributed as admitted by the Government, the remaining 10 per cent has perhaps found a place in the brains of the Fodder Adviser and the Honourable Ministers.

Minister : On a point of order, Sir. Is the honourable member in order in saying all this when the officer in question is not here to defend himself? The honourable member is also accusing the Ministers. (*Interruptions*).

Mr. Deputy Speaker : The last remark was simply a piece of humour and perhaps the honourable member did not mean anything in particular.

Minister : I would urge, Sir, that it was a defamatory statement.

Finance Minister : Was it really humorous?

Mr. Deputy Speaker : I would request the honourable member not to use offensive language.

Sardar Sampuran Singh : We all enjoyed the joke, Sir, but now the Honourable Minister has started complaining.

Revenue Minister : You seem to be the only person enjoying here.

Pandit Shri Ram Sharma : There is no question of being humorous I mean every word that I have said.

Dr. Gopi Chand Bhargava : May I know whether the word *bhutna* is parliamentary?

Diwan Chaman Lall : Is it an Anglo-Saxon word that it could be classified as unparliamentary?

Minister : No. It is a Punjabi word.

Mr. Deputy Speaker : I did not hear the word *bhutna*. The honourable member should proceed with his speech.

Pandit Shri Ram Sharma : I was submitting, Sir, that one of these contractors whose lands were being sold to clear off his debts and about whom the Honourable Minister says that he was a moneyed man, was commissioned to supply one half of the total quantity, i.e., 5 lakh maunds of *bhusa* and was allotted 3 stations of the district. No action has so far been taken with regard to the complaints against him and what is more, he has again been awarded a further contract for the supply of 35,000 maunds of *bhusa*. There cannot be a more serious and scandalous matter than this favourable treatment accorded to a corrupt and dishonest contractor.

We are time and again informed by the Honourable Finance Minister that the Government have emptied its coffers in giving relief to the famine-stricken people of Rohtak and Hissar districts. It is no doubt true, but

the difficulty is that a considerable amount of this relief money goes into the pockets of the corrupt Government servants and the contractors and when a complaint is made the complainants are abused and called all sorts of names by highly placed officers. It is not only the case with the public men who raise their voice against such corrupt practices but even other people belonging to the public who dare to make representations are treated as shamefully. One person named Sh. Abdul Ghani who complained against one such contractor, was caused to be beaten at the hands of bad characters by the contractor and his official supporters. So much so, that he had to report thrice to the police that his life was in danger and some arrangements might be made for his safety.

Now, Sir, let me give you another instance of the high-handedness that is going on there. There is one Fodder Qanungo who had been sent from Lahore. He is a resident of Baghbanpura and it is alleged that he is one of the relatives of Begum Shah Nawaz.

Mr. Deputy Speaker : I would request the honourable member not to be personal.

Pandit Shri Ram Sharma : I am relevant, Sir.

Mr. Deputy Speaker : There is no question of relevancy. I would request him not to be personal.

Pandit Shri Ram Sharma : Very well, Sir. My submission is that the incident which I am going to relate on the floor of the House is of such a serious nature that had any Congressite been responsible for it, he would have been made to disappear behind the prison walls by this time. Anyway the Fodder Qanungo who is connected with the members of the Unionist party was deputed to work at the Railway Station, Rohtak. The Deputy Commissioner of the district directed him to watch the movements of the contractors who were alleged to be notorious for their corrupt dealings and malpractices. In the course of time when the poor fellow detected a few cases of corruption he brought it to the notice of the authorities concerned. On this the anger of the contractor knew no bounds. At 8 o'clock in the evening some badmashes sent by the contractor visited the house of the said Qanungo named Mubarak Ahmad who belongs to that community of the province which is considered to be the most loyal one. This Qanungo was severely beaten. The following day this man called at the police station and lodged a complaint to the effect that since his life was in utter danger at the hands of the contractor and his hired hooligans the police should make necessary arrangements for his protection. On this the Assistant Famine Officer who belongs to the P. C. S. sent for the qanungo and tried to force him to give a specific statement which had nothing to do with the real incident, and tried to influence him with communal consideration. The matter still stands. I gave notices of several questions in this connection but the Government has not thought it fit to reopen the case.

Any way all these cases of high-handedness are within the knowledge of the Fodder Adviser. He is perfectly aware of all these facts. But whenever his attention is drawn to such cases, he declines to take suitable action in the matter. It is in fact all due to the undue encouragement that he receives at the hands of the Government. When the Honourable

[Pt. Shri Ram Sharma.]

Minister of Revenue paid a visit to Rohtak he allowed the said Fodder Adviser to sit besides him, although all this loot, plunder and lawlessness is being perpetrated at the instance of this very officer.

Parliamentary Secretary (Raja Ghazanfar Ali Khan): On a point of order. The honourable member has indulged in making a defamatory remark against the Fodder Adviser, that this loot, dacoity, and all these things were committed at the instance of the Fodder Adviser. I would request that under rules of debate he should refrain from making such defamatory remarks.

Mr. Deputy Speaker: Hitherto the honourable member who is making the speech has been saying something which is not directly defamatory, but he has been trying to hint at it. Just when he makes some statement which is defamatory I will pull him up at once.

Parliamentary Secretary: May I draw your attention to the last sentence which was uttered by him?

Lala Bhim Sen Sachhar: The Parliamentary Secretary is discussing the ruling.

Mr. Deputy Speaker: No. Only a certain fact is being brought to my notice. It is not the ruling which is being discussed.

Parliamentary Secretary: On a point of order. If you have got any doubt I would request you to kindly ask the Reporter to read out the last sentence uttered by my honourable friend. (*Voices: Is that a point of order?*)

Diwan Chaman Lall: In regard to this point of order may I ask my honourable friend, since he is repeating the phrase that is alleged to be used by Pandit Shri Ram Sharma, is he within his rights in making an allegation that there has been a great deal of loot and robbery in connection with—

Mr. Deputy Speaker: Order, order. I have not given any ruling on this point. I have already held that the honourable member who was speaking did not make any defamatory statement. (*Hear, hear from the Opposition*).

Pandit Shri Ram Sharma: Sir, in support of my statement—

Mr. Deputy Speaker: Order, order. (*At this stage the Urdu Reporter was asked to read out the particular sentence and he read as follows:—*

میں نے اس وقت یہ کہنا نہیں چاہتا تھا کہ اس شخص نے لوٹ مار کی ہے بلکہ میں نے یہ کہنا چاہا تھا کہ اس شخص نے لوٹ مار کی ہے اور اس کے لئے میں نے یہ کہنا چاہا تھا کہ اس شخص نے لوٹ مار کی ہے۔

Parliamentary Secretary: I draw your attention to the word. *ایہا*

Mr. Deputy Speaker: This sentence refers to contracts.

Parliamentary Secretary: No, Sir.

Mr. Deputy Speaker: The honourable member should go on with his speech. (*Hear, hear from the Opposition*).

Pandit Shri Ram Sharma : If it pinches my honourable friends opposite I do not propose to touch this matter. But this much I must submit that if the Honourable Parliamentary Secretary would just privately enquire from the Deputy Commissioners of the districts concerned and other officers of the P. C. S. and certain respectable persons of Rohtak about the matter they are sure to bear me out.

Khan Sahib Chaudhri Sahib Dad Khan : He is quite wrong.

Pandit Shri Ram Sharma : As an amount of money is being sanctioned for the Officer in charge of Hissar Famine Relief, I may be permitted to say a few words in this connection. The honourable members who hail from Hissar are well aware that a famine conference was held at Hissar, the like of which has never taken place in the history of the said district. Sir, in that conference resolutions were openly passed against the irregularities and loot committed by Government officials during the famine relief work in Hissar district. Similarly, a famine conference was held at Rohtak and a resolution was passed against the officer whose mention pinches the Honourable Premier and the Parliamentary Secretaries.

Mr. Deputy Speaker : Please do not mention the officer's name.

Pandit Shri Ram Sharma : I should inform the House that the resolution was passed by six or seven thousand zamindars in which 95 per cent Jats were present. The copies of the resolution passed by seven thousand zamindars were sent to Government and other officers. I do not want to dilate upon this matter as even the children of Rohtak district are well aware of this resolution and they can bear me out. However I cannot help saying that even in the Ministry there are some who are fully aware of what is being done in Rohtak district under the guise of famine relief work, but unfortunately they turn a blind eye towards these facts.

Apart from this, there is another important point to which I want to draw your attention and that is about irrigation demand. Government wants to get Rs. 8,050 sanctioned for a Superintending Engineer and it has also been mentioned on pages 6 and 7 of the Supplementary Estimates that Rs. 1,000 is required for his travelling allowance. The reason for this demand that has been given is that Government sanctioned a certain amount of money last time in order to complete the alternative scheme, that is to say water would be taken from river Beas and put in river Sutlej and in this way relief would be given to the famine-stricken area of Hissar and Rohtak. Bhakra Dam Scheme should have been completed long ago. Now let me tell you how this scheme has appeared before us in three different forms. No mention was made about it in the first budget. Afterwards the scheme appeared before us with the name of Bhakra Dam Scheme and now Government is saying that more money is required as the scope of the work has now been enlarged and a circle has been created. It is nothing but an eye-wash, I would say. Government has already taken ample time and is still taking time over it. I submit that famine has been ravaging in Rohtak and Hissar districts for the last two years and Government knows that about two crores of rupees have been spent from Government funds whether they have been spent properly or not, that is another question. Government as a matter of fact have spent 2½ crores of rupees on famine relief

[Pt. Shri Ram Sharma.]

work and seem to have been financially exhausted. Supposing Government's cry of its financial exhaustion is true then there is no reason why the Bhakra Dam or its alternative scheme has not been completed by this time. Government's present attitude can be interpreted very well in the famous idiom, "penny wise and pound foolish." The trouble is that Government changes its decision every now and then. It should at least stick to one decision. Sir, much water has flowed under the bridge. Nations have been made and unmade and times have changed. But our Government is still holding out a *tamasha* of Bhakra Dam. Goodness knows when this *tamasha* will be completed. To run canals in the province is indeed a good thing. But Government is not giving its due consideration to the completion of this scheme. To-day it is said by Government that as they want to enlarge the circles, more money is needed. I wonder how long they will continue making such demands. It is nothing but hoodwinking the people of the province in general and the people of famine-stricken area in particular. First of all it was said by Government that rain water in the hills will be kept in reservoirs and then supplied to the famine-stricken areas in a greater quantity. But Government later on gave up this idea and said that tube-wells would be used in order to get water for the famine-stricken *ilaga*. And what does it say now? It says that tube-wells are not available due to war, therefore two dams will be constructed and one Superintending Engineer will supervise the working of those dams. Does it not seem to be a *tamasha*? It appears that Government is uncertain about its decisions. When this is the state of affairs I am sure some pits will be dug and left for the next general election and the Unionist Government will say to the people that as soon as they elect the Unionist candidates, water will rush in their *ilaga* like a flood. Let me also tell Government that it can no longer throw dust into the eyes of those poor people who stand in need of water. Government may take it from me that the people are now wide awake and they cannot now be easily taken in by Government, however much it may try. Sir, the people of that *ilaga* have been deceived so much that they cannot be lured by further false promises. It was only recently that a conference was held in a village Jasaur Kheri situated at a distance of 3 or 4 miles from the village of the Minister for Development and a resolution was passed by ten thousand zamindars of that *ilaga* to the effect that they do not like this delay on the part of Government in completing the Bhakra Dam and they cannot be satisfied by the false statements made by it that it had sent two persons to America to have experience of irrigation and dam construction. If Government will continue behaving like that, they will be constrained to put Government in a quandary. I therefore ask : why is Government throwing dust into the eyes of the people by making such trivial and unnecessary demands with regard to the pay and travelling allowance of a Superintending Engineer?

I should like to make a submission with reference to Anti-corruption Department. Sir, Government seems to be very proud of this department. It has been stated by Government that action is being taken against 9 officers. I do not know how far it is correct. What I know is this that no heed has been paid by this Department to the people who are crying hoarse under the tyranny and dishonesty of certain police officers, as well as

the Fodder Adviser. I understand that the Anti-corruption Department does not take action against those erring officers who serve the ends of the Unionists. Such officers may do whatever they like. The Anti-corruption Department allows them a long rope. But unfortunately if any officer who is not in the good books of the party in power goes wrong, strict action is taken against him. I have already given one example and I can give many more, but I do not want to labour the point any further. Suffice it to say that an officer had amassed about two lakhs of rupees before transfer from the Rohtak district under the Unionist régime.

Mr. Deputy Speaker : The honourable member should not labour the point any more.

Pandit Shri Ram Sharma : With these words, Sir, I beg to close my speech.

Khan Sahib Chaudhri Sahib Dad Khan (Hissar, Muhammadan, Rural) (*Urdu*) : Sir, I rise to repudiate the baseless charges that have been levelled against the Fodder Adviser by the Opposition. All they have said against him is entirely wrong and cannot be corroborated by facts at all.

Diwan Chaman Lall : On a point of order. May I ask your guidance in regard to this matter? We have got two days to discuss a vast budget. Have you come to any decision as to the time that is to be allotted for general discussion and the time that is to be allotted for the discussion of the demands? There is a very large number of demands which have to be considered. Seventy-one pages of demands have got to be considered and we are now at the stage when mere general discussion is taking place. I submit that a sufficient amount of time should be available for the purpose of discussing the demands as such and not merely general discussion should be indulged in. Therefore I would like to have your guidance in regard to this matter, as to whether there is any limit to the speeches that are to be made on the general discussion or are we to follow the practice that we have already been following in regard to the general discussion on the general budget? That is to say, a time limit has been fixed for the speeches in reference to the general discussion of the general budget. Here no such procedure has been followed. Is there or is there not a time limit to the speeches that can be made in regard to this general discussion?

Mr. Deputy Speaker : Hitherto the honourable the Speaker has not fixed any time limit to speeches so far as the general discussion is concerned.

Diwan Chaman Lall : Therefore may I take it that it is quite possible that general discussion may go on for the next two days and not a single demand may be discussed?

Mr. Deputy Speaker : That is quite possible. Nothing has been decided as yet.

Diwan Chaman Lall : May I move the closure then? I move the closure.

Chaudhri Krishna Gopal Dutt : Hitherto the practice was that the general discussion should take so much time and the voting of demands so much time and that time is distributed among the members according to the strength of the parties. Now you say that it is just possible that the

[Ch. K. G. Dutt.]

demands may not be taken up at all. Now the discussion that is going on is only on charged items. What about the voted items? We have to say certain things with regard to the voted items also and we have to call for division also on certain items.

Mr. Deputy Speaker : Time limit may at any time be fixed for speeches during the general discussion. I will do it later on. Let a few speeches be made.

Diwan Chaman Lall : I move the closure motion. I move :

That the question be now put.

Khan Sahib Chaudhri Sahib Dad Khan : Well, Sir, I was going to make some observations about the baseless objections which some honourable members of the Opposition had raised against the Fodder Adviser. Those charges are not based on any facts. In fact they seem to have been inspired by some personal grudge, because the officer in question is thoroughly honest and does not hanker after the pleasure of anybody including the Congress men. As a matter of fact he is the right man in the right place. He is strictly impartial in the discharge of his duties. The bitter truth about him is that he does not grant contracts by way of favouritism or on the recommendation of influential persons, be they Congress leaders or others.

Pandit Muni Lal Kalia : Sir, it was said a little while ago that we could not mention corruption while discussing a charged item. But the honourable member in possession of the House is doing the same. Moreover, he is not refuting any arguments advanced from this side of the House but is simply eulogising the Fodder Adviser.

Khan Sahib Chaudhri Sahib Dad Khan : It is no crime to call a spade a spade. Truth must be spoken although some Congress friends may not relish it. I may say that the Fodder Adviser is an excellent man and an honest officer. His honesty and uprightness are aboveboard. In fact he is being criticised by the Opposition for his honesty and impartiality. At the time of giving contracts, he does not select his favourites but sees whether a man is in a good financial position to carry on the obligations and whether he commands the necessary influence and means to fulfil the terms of the contracts. Further, he appoints contractors after consulting the Deputy Commissioner as to the suitability or otherwise of the persons concerned. I am in a position, therefore, to say that my hobourable friend Pandit Shri Ram Sharma was entirely wrong in saying that loot was going on under this officer. The charge was utterly baseless and uncalled for. I do admit, however, that the Fodder Adviser is not a person to be over-awed by the false propaganda of, or the great influence of the Congress leaders who might wish him to serve their ends. He stands like a rock against all temptations or intimidations. He does not indulge in favouritism or nepotism of any kind. I know this virtue to be in him. That is his great qualification but unfortunately some people do not like impartiality and want partiality towards them. To blackmail such an honest officer is nothing short of perverted mentality of which some honourable members have given proof to-day. The impartiality and honesty of this officer are commonly known in Hissar and I fail to understand how he can act otherwise in Rohtak. The grumblers must have some

personal grudge against him. May be some of my honourable friends do not know what exactly the duties of the Fodder Adviser are. Perhaps they think that he is in charge of the whole Famine arrangements. That is not the case and that is probably the cause of some misunderstanding. His only business is to obtain fodder and arrange for its transport after getting concessions in the Railway freight and obtain passes for the contractors. Other arrangements rest with the district officers, and he cannot be held responsible for their acts of omission and commission. I know it for a fact that when he sees that the supply of a certain contractor is bad, he cancels his contract. Similarly, if a contractor causes undue inconvenience, he too is ejected. That is his way in Hissar. I wonder if it can be otherwise in Rohtak. (*Chaudhri Muhammad Hassan*: How, then, was the *bhusa* flown away?) I do not know if the contractors were responsible for that. But some *bhusa* must have been lost in the passage from the broad gauge line to the narrow gauge line and also at the time of loading and unloading of the carriages at different railway stations. After all it was not contained in an air-tight box like gold or silver, so that no loss could be expected in its transfer from place to place. (*Chaudhri Muhammad Hassan*: Do you say this from your personal knowledge or hearsay?) I know it as any intelligent person is in a position to know it.

As a matter of fact the Fodder Adviser and the Government have done so much for the famine-stricken people that even the Congress government could not have done if, God forbid, it had been in power in the Punjab (*laughter*). I say this in spite of the fact that I am not a Unionist. But I cannot suppress the truth. The Unionist Government has spent a lot of money on this laudable object and deserves credit. I challenge the Opposition to give the example of any other Government which has offered so much relief to the famine-stricken people as the Unionist Government has done, and yet if they do not acknowledge the good deeds of the Government, it is due to their perverted mentality.

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

Well, Sir, I cannot help saying one thing and that is this. My honourable friend over there has made the Fodder Adviser a special target of his criticism. He has not cared to criticise other officers working in the cattle concentration camp or those who were responsible for running the general administration in the famine-stricken area last year. For instance, there were certain naib-tahsildars who were alleged to draw money for showing bogus labour. Some were apprehended and now are standing their trial in a court of law. It is a thousand pities that such officers who were guilty of certain irregularities and malpractices should have escaped the eagle eye of my honourable friend. He has only endeavoured to level his battery of charges against an officer who is decidedly one of the best officers and who has rendered invaluable services in connection with the famine. (*Hear, hear*). It appears that my honourable friend opposite bears some personal grudge against him or else he wishes to malign him. There is no denying the fact that my honourable friends over there have been asking plethora of questions about this officer, but very little attention has been paid by them to the work of other officers who have been serving in other departments in the famine area. They have concentrated their attention on the Fodder

[K. S. Ch. Sahib Dad Khan].

Adviser only and have failed to find fault with the general administration there. (*Interruptions*).

Well, Sir, I would like to say one word about Bhakra Dam Scheme and then I have finished. I have only to add that this is the most useful scheme calculated to bring about prosperity to these famine-stricken people. Government would be well advised not to relax their efforts to bring it to a successful end. With these words I close my remarks.

Pandit Shri Ram Sharma (*Urdu*): On a point of personal explanation. My honourable friend Chaudhri Sahib Dad Khan has been pleased to remark that I bear malice to the Fodder Adviser and that is why I have made him a target of my criticism. I may assure the House that this is far from truth. I harbour no ill-will against that officer. As a matter of fact I have not even personal acquaintance with him. If I asked questions about him, I did so in the interest of the people and not that I bore any grudge against him. I hope these words would do to dispel any doubts lurking in my honourable friend's mind about me.

Diwan Chaman Lall: I move the closure again. I moved it once before.

Mr. Speaker: There is no motion before the House. It is in the power of the honourable members to continue or stop discussion and take up the individual items.

Diwan Chaman Lall: That is exactly what I am suggesting. I pointed out before you resumed the chair—

Mr. Speaker: It is for the honourable member to propose to stop discussion.

Diwan Chaman Lall: That is exactly what I proposed and I moved the closure.

Finance Minister: May I make a submission?

Pandit Shri Ram Sharma: On a point of personal explanation.

Finance Minister (The Honourable Mr. Manohar Lal): I wish to make a submission. Three honourable members from the other side have spoken. Each one for nearly the length of an hour and they have in the course of their observations referred to a large number of subjects particularly irrigation, motor vehicles—

Diwan Chaman Lall: You can do that in reply to the debate on demands.

Minister: As far as charged items are concerned, there will be no opportunity after this for the Government to offer any reply to these charges that have been made from the other side and I think certainly the Revenue Minister, and the Minister for Public Works have got a great deal to say on the criticism that has been levelled, and thereafter I propose, if I may, in a very short speech to refer to some of those technical objections that have been raised against the presentation of these demands. I think that if that is not done and if the debate is allowed to conclude on these three speeches, it will create a very unfortunate impression. I suggest that this is not the stage for closure. There is no question before the House and there

is no occasion whatsoever to apply any kind of indirect closure at this stage. I think the Government will be left in a very awkward position, if the very elaborate criticism is left without notice. You were present at the time of the first two speeches and remember how elaborately the thing was developed and the vehemence with which the debate was conducted on our Famine policy and on the way in which the Fodder Adviser has functioned in the district of Rohtak. I think Government could not possibly allow this criticism to remain unchallenged. My honourable friend the Revenue Minister or his Secretary would desire to address the House formally, and it may be at length in meeting those charges.

Diwan Chaman Lall : My honourable friend, you will notice, did not utilize the opportunity to address the House when an opportunity did arise for him to address the House and he allowed a back Bencher of his to address the House. He had ample opportunities at that time if he wanted to utilize them. The second point that I want to mention is this that if my honourable friend wishes to discuss the Fodder Adviser's position that is not covered by the items that are being discussed at the present moment. It is not a charged item.

Minister : Yes, it is.

Diwan Chaman Lall : If any portion is charged then even that does not prevent my honourable friend from dealing with the matter. There is no question of my honourable friend not being allowed to deal with this particular matter and may I suggest that my honourable friend should therefore confine himself to whatever he wishes to say in regard to the Government's policy when he discusses the demand. There is no question of his being prevented from discussing the policy of the Government when the demand comes forward in so far as pertains to this particular demand before us. And if my honourable friend here has been ranging over a wide field there is no necessity for him to do so. The whole item is charged. But I may suggest that the position of the Fodder Adviser can be explained without reference to this charged item. He can when he comes to the demand itself deal with this particular subject.

ADJOURNMENT.

Premier : Sir, I have received a request—or perhaps I should say a requisition—from our friends of the Press who are giving a party in the Shalimar gardens to-day to meet the journalists who have gathered here for their annual meeting, that I should accommodate them by asking for an adjournment of the House at 4 instead of 4-30. The party is at 4-30 and several members of the Assembly have been invited to it. They desire that the members should have an opportunity of meeting the eminent journalists, who have come from all over India. I have had the privilege of consulting my honourable friend, the Leader of the Opposition and we consider that it would be desirable to accede to their request and adjourn the House at 4 o'clock so that members can attend the garden party and meet the journalists.

Diwan Chaman Lall : Does my honourable friend consider the tea-party more important than this meeting?

Mr. Speaker : When the adjournment was in my power the question arose and I had to refuse to adjourn the House to enable members to attend a private party. (*Hear, hear*). Now the adjournment is not in my hands. It is in the hands of the House. If any honourable member, say the Honourable Premier or the Leader of the Opposition, wants the House to adjourn he may move a motion to that effect and if the House accepts the motion it will be automatically adjourned.

Premier : If my honourable friends do not wish to attend that party or do not wish to accommodate our friends of the Press, I would not press for an early adjournment.

Dr. Gopi Chand Bhargava : If it were a question of a private party or any private engagement, I would not have consented to the adjournment of the House, because parliamentary work is more important than any private engagement. But it is a question of the Press for which I have got a very soft corner, because I am a public worker and the Press people are my colleagues, and therefore I have consented to the adjournment of the House.

Diwan Chaman Lall : May I ask the Honourable Premier as to how many members of this House have been invited to attend this party? Is it not a fact that a large number of members have not been invited?

Premier : I am not in charge of the invitations and so I am not in a position to give the honourable member the information he wants. I am, however, assuming that a large number of members have been invited. I may also inform him that the press gallery will be empty in a few minutes and my honourable friend may not like to waste his eloquence if he knows that he will not see his speech in the papers to-morrow. From that point of view also I suggest that we might agree to curtail the sitting by half-an-hour. I accordingly move—

That the House do now adjourn till 12 noon tomorrow.

The motion was carried.

The Assembly accordingly adjourned till 12 noon on Wednesday, 28th February 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Wednesday, 28th February, 1940.

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

QUESTION HOUR.

Premier (The Honourable Major Sir Sikander Hyat-Khan) : Sir, I beg to move :

That the question hour be dispensed with.

Mr. Speaker : Motion moved is :

That the question hour be dispensed with.

Dr. Sant Ram Seth : Sir, I rise to oppose this motion. If the Honourable Premier was keen to dispense with the question hour, he ought to have moved this motion yesterday. I am of the opinion that now to move a motion of this nature is contrary to the rules of procedure. I, therefore, request that the question hour should not be dispensed with.

Premier : My honourable friend appears to possess a very short memory. I may tell him that I definitely mentioned this fact yesterday that the question hour would be dispensed with.

Mr. Dev Raj Sethi : But this suggestion was not included in the motion moved by him yesterday.

Premier : I made this fact clear that I would be moving this motion on Wednesday, that is, to-day.

Dr. Sant Ram Seth : I may point out that mere mention of a thing is not sufficient. He ought to have moved a motion to this effect.

Mr Speaker : Question is :

That the question hour be dispensed with.

The motion was carried.

RELIEF OF INDEBTEDNESS (AMENDMENT) BILL.

Clause 3.

Mr. Speaker : The Assembly will now proceed to consider the Relief of Indebtedness (Amendment) Bill. The question is—

That in the proposed clause (iv) (a), line 3, for the words "seven and a half," the word "nine" be substituted.

The motion was lost.

Mr. Speaker : So far as the next amendment is concerned, I propose that the words beginning with the word "prior", in clause (iv) (a) and ending with the figures "1912", that part of the clause be treated as a separate clause.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I beg to move—

That in the proposed clause (iv) (a), lines 23-24, the words "prior to the first day of April, 1937" be deleted.

[Mr. Dev Raj Sethi.]

Sir, the object of my amendment is to remove a discrimination incorporated in clause 8 of the Bill. It has been provided that all the banking companies registered under the Indian Companies Act of 1913 and the scheduled banks which came into existence prior to "first day of April, 1937" would be exempted from the condition of charging rate of interest up to the prescribed limit. But all those unscheduled banks established after this particular date would be called upon to observe this condition. I for one fail to see the reason for this invidious discrimination. When the Registration of Money-lenders Act was passed at Simla, the Honourable Premier declared that he had no intention of ousting the honest money-lender. It was the dishonest money-lender whose activities he wanted to curb with a strong hand. He also held out a suggestion that the money-lenders should be well-advised to start banks which would keep regular accounts and prepare balance sheets. This would facilitate matters and the dishonest money-lenders would be debarred from charging excessive rates of interest and getting a promissory note for Rs. 300 by advancing a sum of Rs. 100 only. But now the Honourable Premier has brought forward a novel measure which accords differential treatment to the scheduled as well as those banks started prior to 1st April, 1937, and those which came into existence after that particular date. In other words, those banks which have a paid up capital of two lakhs and a reserve of three lakhs of rupees, would be permitted to charge in excess of the maximum rate of interest prescribed in the Bill. But strange to say that banks established after 1st April, 1937, are to be penalised for no fault of their own, while even the co-operative societies have been exempted from the operation of the maximum limit of rate of interest. I would request the Honourable Premier to treat all the banking institutions on an equal footing, and do away with this discrimination which is quite unjustified and most uncalled for. But if it is apprehended by the Government that the money-lenders wielding influence with the banks would transfer their debts to them and try to avoid the restrictions, then I may point out that there is already a provision in the 4th clause to frustrate their objects. It is clearly laid down in that clause that if a money-lender transfers his debts to a bank, the court shall see that it does not charge from the debtor a rate of interest which is higher than $7\frac{1}{2}$ per cent. When the debtor is fully protected, I fail to understand why this condition of "1st April, 1937" should be incorporated in the Bill. If charging of a higher rate of interest is undesirable for one banking institution, it is equally so in the case of all the big banks. Why should banks started after a particular date be singled out? For instance, the New Bank at Lahore is a full-fledged bank but it is debarred from taking advantage of the privilege which the Imperial Bank or other scheduled banks are allowed to enjoy. I am of the opinion that this measure has been brought forward with a view to stifle the growth of banking business in the Punjab and strangle the smaller banking concerns in their infancy. In this connection I may point out that agriculture and banking constitute the two lungs of the province. One is a complement of the other. It is not desirable to destroy one in order to give increased expansion to the other. I can very well understand the clever move underlying this clause. However, I hope the Honourable Premier would see his way to accept my amendment and delete the much vexed words 'prior to the first day of April, 1937'.

Mr. Speaker : Clause under consideration, amendment moved—

That in the proposed clause (iv) (c), lines 23-24, the words " prior to the first day of April, 1937 " be deleted.

Lala Bhim Sen Sachar (North-Western Towns, General, Urban) : In lending my support to the amendment which is now under discussion, I want to draw the attention of the Honourable Premier to the very undesirable effect which will be created if this provision is retained in the clause. We understand, I hope, clearly that the idea of debt relief legislation is first to give relief to the poor and then to make it difficult for people to swindle and cheat. I do not think there is any member in this House who is not in agreement with the ideal which concerns the giving of relief to the poor or preventing abuse of one's position. But what is the effect of this provision that is now under discussion? If a bank were formed before the 1st of April, 1937—it appears to me that this date has been fixed because it was the auspicious day on which the Provincial Autonomy was inaugurated, otherwise I do not understand what particular significance there is for this day—and it has not the capacity to accumulate all the necessary capital for being included in the second schedule of the Reserve Bank Act, then the Government comes forward and says that it does not matter if it is an honest bank, it does not matter if there is three lakhs worth of paid up capital, it does not matter if it has got regular books, with all that they won't treat it better than an individual who can evade the provisions of law. If a bank with five lakhs worth of capital can enjoy the privilege of charging a rate which is in excess of these rates, there does not appear to be any justification for excluding another sister concern—another bank—from charging that rate of interest. I shall certainly wait to know the reason for making this distinction. A bank may be formed, a company may be registered and some individual may come forward and by taking advantage of the provision of law may form himself into a company and thereby charge excessive rate of interest which we want to put down. As I observed yesterday, if the rate is excessive on one instance, it is equally excessive in another and I am sure the Honourable Premier will agree with me that if he will pillory me for charging high rate of interest which is higher than this, he will equally readily and without any hesitation call into question the conduct of my friend the Honourable Minister of Development if he were to charge a higher rate of interest. My friend the Honourable Minister of Development shakes his head. Do I understand my friend to say that he has the privilege of charging higher rate of interest?

Minister for Development : No.

Lala Bhim Sen Sachar : What I was submitting was that if a certain rate of interest is excessive in one case, it is equally excessive in another case. When you will not give this facility of charging that rate, which is obtainable in the market, it should be clearly understood that no bank will be able to charge the rate of interest which is not otherwise justified in the market. The Honourable Minister of Finance has more than once assured the House that each day he devotes time in dealing with the—
(An honourable member : He does.) He is there to satisfy you on that score that the rate of interest in the market is ordinarily governed by market conditions and no bank will be able to charge rate of interest which other

[L. Bhim Sen Sachar.]

banks will be making impossible for him to charge. What will be the effect of excluding these *bona fide* banks? What will a person, who thinks that by doing the business of a bank he has got to keep the regular books, he has got to submit the balance sheet, he has got to submit himself to audit, and has no chance of charging anything more than is actually shown in the books, do? What will men of that type do? What will be the effect of this thing? The effect will be that the promotion of joint stock companies for the purpose of banking will be discouraged and those people who are dishonestly inclined and those people who, according to the Honourable Minister of Development, get written a higher amount than they actually pay, will, before advancing the amount, deduct the amounts which will be equivalent to a certain rate of interest. Is that the idea of the Government? Do the Government want to encourage this type of people? Do they want that the money-lender against whom they have got a grievance, should be given a longer lease of life, and that he should be allowed to indulge in his nefarious practices? The best thing is to place him on a level with other banks and say that his accounts and balance sheet will be seen and audited. Full consideration has not been given to the entire circumstances of the case. There is one bank with a capital of four lakhs paid up and another bank with a paid up capital of five lakhs. What is the difference? Why should the bank with a capital of five lakhs paid up have preference over the bank which has only four lakhs paid up capital. Take another case. A bank with a capital of four lakhs will not be included in the schedule, will not be given preference, will be badly placed in respect to a banking company which was registered before the 1st of April, 1937, only with three lakhs of capital. I dare say that it does not appear to be the reason. I can quite see what the trouble of the Honourable Premier is and how he is feeling. He says that the big money-lender might get himself registered and come forward as a banking company and then he will be an individual owner. There is no difference whatsoever what actually goes to him. In fact, you may exclude private limited companies. But why should you exclude public companies which are publicly incorporated and issue prospectuses? There does not appear to be any reason why we should try to interfere with their business and with the growth of trade. This is my submission. If I am mistaken I shall be thankful to the Honourable Premier for making the position clear. I may assure him that if I am mistaken, I shall be the first to admit his proposal. There is absolutely no justification for not treating the genuine and *bona fide* public banks registered after 1st April, 1937, on the same footing as the public banks registered before the 1st April, 1937.

Rao Pohop Singh (East Punjab, Landholders) (*Urdu*) : Sir, I have very carefully listened to the speeches that have been delivered by the honourable members on this side of the House, but I am compelled to say that either my honourable friends have not understood this Bill or they have not tried to understand it. The object of this Bill is that where the debts of the poorer classes, whether they are residents of towns or of rural areas have considerably increased.....

Mr. Speaker : The whole Bill is not under discussion. Only a particular amendment is under discussion.

Rao Pohop Singh : Sir, I am also going to discuss the same. As I was submitting, Sir, the object of this Bill is to provide relief to those poor people and with that end in view the rates of interest have been reduced.

Now my honourable friends have taken exception to the fact that the Imperial Bank has been exempted from the conditions that no bank should charge a rate higher than the one which has been fixed.

Lala Bhim Sen Sachar : On a point of order. The point is not why the Imperial Bank has not been included, but the point is why other banks have been included. Therefore the honourable member should confine his speech to that amendment.

Rao Pohop Singh : May I inform my honourable friends that the poor people to whom it is intended to afford debt relief do not owe anything to the Imperial Bank ?

Mr. Dev Raj Sethi : The honourable member is probably not conversant with economics.

Rao Pohop Singh : This is a personal remark by my honourable friend but let me inform him that I know economics. (*An honourable member :* He is an M.A. in Economics.) Any way, Sir, besides the fact that they do not owe anything to the Imperial Bank the rate of interest charged by co-operative societies has also been reduced. Therefore, the question of their being included in the category of these banks, which could not charge a rate higher than the specified rate, does not arise.

The banks which are restricted from charging a high rate of interest are those which were registered by two or three money-lenders joining together and forming themselves into a bank. They transferred their old transactions to those banks and it is very hard to find which of these is an old transaction, and which is a new one. Neither can it be ascertained as to what was the original amount of the debt and what amount they have shown now in the books of the bank. The money-lenders have devised this method for evading the law.

Honourable Members : The question be now put.

Mrs. Duni Chand (Lahore City, Women, General). (*Urdu*) : Sir, so far as my amendment is concerned, it is meant to make it clear that new banks have been subjected to most iniquitous treatment. May I put a simple question through you to my honourable brothers who are never tired of claiming that the only object before them is to give relief to the poor zamindars ? How do they justify their claim ? They are simply relieving the poor zamindar from the clutches of the wolf in order to leave them to be devoured by the lion. The claim of my honourable brothers would have appeared plausible only if they had expressed their readiness to vote for the application of the same principles to Government banks which they wish to see applied to other banks, I mean, if they had supported 7½ per cent rate of interest in the case of Government banks as well. But what do we find ? The same old story. Honourable members on those benches are lending their support to the policy of stifling the small banks and thus dealing a death blow to the industries which are still in their infancy. But they are clever enough to proclaim from the house-tops that this new law is meant to help the poor although in fact it is meant to fleece them. I understand

[Mrs. Duni Chand.]

very well the extent of this Government's sympathy for the peasants. If the Government had come forward with a legislation to make it impossible for the English-managed banks like the Lloyds and the Imperial Banks and co-operative societies to attach the lands or the residential houses of the zamindars, one would have been convinced of the Government's sincerity. But this Bill contains no provision of this kind. All the limitations have been proposed to apply in the case of banks registered after 1937. It is sought to make it impossible for these banks to charge more than 7½ per cent on their loans. All other banks have been left free to do whatever they choose to do. When this is all the sense of justice, or the lack of it, which has been displayed by the Government, how can it expect that we will be convinced of its solicitude for the interests of the poor. The wails of the zamindars reach our ears from all sides that the Government banks continue to be as harsh towards them as ever. I, for one, have no hesitation in admitting that to owe money to a *sahukar* is bad, but I am also of the opinion that to owe money to banks is worse. The reason is not far to seek. The zamindar could get rid of his *sahukar* creditor by allowing him to take away an old bullock of his or by paying him a cartload of wheat. But the bank authorities are satisfied with nothing short of hard cash.

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

Mrs. Duni Chand : The object of granting relief should be to lighten the burden of all and sundry. In fact no one should be made to pay interest at a rate higher than 7½ per cent. Just as there are certain limitations imposed on the private *sahukars* to the effect that they cannot attach the land, bullocks and other property belonging to the judgment-debtors, similarly an equally effective check or restraint should be imposed on the banks. I am free to admit that the Government has made certain efforts for promoting small industries in the province, but my submission is that it should also make some provisions for the safeguard of the interests of small banks, and refrain from doing injustice to their cause.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural): Sir, I have two or three things to say about this motion, though of course I repeat what I said the other day that it is utterly useless to say anything before these gentlemen, still one's duty has to be done. The first thing I want to say is this that this is an invidious distinction between one class of banks and another class of banks, and no adequate reasons have been given for making this distinction. Secondly, it belies the statement made by the Premier on the floor of the House that his main object was simply to place money-lending in honest hands. If he was honest himself in making this statement he should have been the last person to exclude banks.

Mr. Speaker : The honourable member should not make personal insinuations.

Dr. Sir Gokul Chand Narang : There is no personal insinuation. I say if he is honest, he would claim to be—

Mr. Speaker : That again is a personal insinuation.

Dr. Sir Gokul Chand Narang : As he is honest, or is believed to be honest or is supposed to be honest, I would say that he should have been

the last person to have allowed this amendment to be brought in the select committee to the Bill. Banks which are referred to here or as may come into existence after the 1st of April, 1937, are banks whose accounts should be audited by Government certificated auditors.

Mr. Speaker : This has been said already.

Dr. Sir Gokul Chand Narang : I am not going to dwell upon it. There cannot be any suspicion about dishonest dealings because their accounts are audited, and it is not possible in their case, what the Honourable Development Minister said the other day that they may give Rs. 100 and write Rs. 1,000. There is no such possibility in the case of banks. The third and the most important thing, which my honourable predecessor might not have said, is that it will hamper the growth of indigenous banks. The growth of banks in a country is absolutely necessary for the prosperity of the country and for the prosperity of that very class about whom these gentlemen are so anxious. In this connection I would quote a few figures which came to my hand the other day when I was looking into this book and I had a casual glance on certain figures. This book is Indian Finance and Banking by Findlay Shirras. He has given a graph showing the comparative position of various important countries as compared with India. This book was written in 1920 : the case may be somewhat different but I think the figures of 1920 should be a sufficient guide for my purpose. The number of banks in 1920 in the United States of America, which is a country much smaller in population than India, was 28,018 : in the United Kingdom of Great Britain the number of banks was 9,357 : in Japan 5,874 : in Canada 3,327 which is a 'bacha' as compared with India. In Australia, which is again a small 'bacha' the number was 2,356. You will be shocked to hear that in India the number of banks was only 359 as compared with 28,000 in the United States of America. There is no wonder that so far as the commercial prosperity or the agricultural prosperity is concerned there is no comparison between this country and the rest of the countries. Again, so far as deposits are concerned, these figures—which are given in million pounds—are also illuminating. In the United States of America the amount of deposits in millions of pounds was 5,767 which means 5,767,000,000 pounds : in the United Kingdom 2,355 : in Japan, which is a small country and is just rising from a state of backwardness it was 404, Canada 324, Australia 316 and in India it was 118. So far as the capital of the various banks is concerned, the figures are still more remarkable and tragic. The capital of the United States banks was 482 million pounds, United Kingdom 88 million and in India 5. Even from a distance you will see the difference. This is the United States of America and this little speck is India so far as capital is concerned. So far as deposits and banks are concerned there are these small specks. Yet there are these gentlemen to whom the destiny of the province is entrusted and they want to stop the growth of banks. Among them is a person who has been connected with banks and he ought to know, and he should try to know, as to what are the commercial needs of the people, not only of the urban people but also of the people living in the villages ; and what is the reason given ? The reason was a most childish one. You were not here on the day when the Honourable Development Minister gave us the reason and the reason was that in some places—Mianwali was referred to—some ~~scholars~~ had combined to form a bank and they had started purchasing

[Dr. Sir Gokal Chand Narang.]

the various loans owed by the poor zamindars, and as *sahukars* are dishonest people their banks would be dishonest and therefore they wanted to prevent the banks coming into existence. I interrupted him for a second and asked him whether he could give us the number of such banks. He said he did not know the number of such banks, there may be two or three but complaints are many. It is very easy to receive complaints from one corner of the country where the people concerned have access to the Ministers: they can go and say some people have formed a bank and something should be done to stop the mischief.

And this obliging ministry, this misguided ministry, I should say, this bigoted ministry, who are carried away only by the demands of one section of the population, readily accept that suggestion and put a stop to the growth of the banks in future. Any novice, even a child, in economics, if he has the slightest interest of his country at heart, should be the last person to stop the growth of banks. It is the banks that will encourage agriculture; it is the banks that will encourage industry; it is the banks that will encourage commerce. But these wiseacres in the cabinet are stopping the growth of banks. They should know, and it was admitted by the Honourable Minister of Development the other day, that their credit has already been restricted. If their credit has been restricted and you do not want even banks to come into existence by such provisions, where is the necessary credit to come from? Restriction of credit may be a good thing; provided it is restricted within certain limits. It is easy to restrict credit, but it is not easy to abolish the need for credit. Is there any means of meeting those needs? The needs are still there. The crops will not cease to fail occasionally. The cattle will not cease to die occasionally. The poor zamindars will not cease to marry their daughters and their sons. They cannot send any mandate asking the Punjab Government to stop all diseases, rinderpest and such other things. These things must continue to exist and yet they say credit should be restricted without abolishing the need for it. As I have said already, credit has been restricted to the utmost limit to which it could legitimately be restricted. To go further means not only ruination of people who have certain loans to realise but also of the people in whose interest these gentlemen think they are acting. Then again, there would have been some sense and their object would have been served if purchase of debts had been interdicted, if the object, as the Honourable Minister of Development pointed out the other day, was that the debts of the poor zamindars should not be purchased by these banks. There is already a provision in the Relief of Indebtedness Act that under the definition of 'debt' those debts will not be included which have been transferred to banks, except under certain conditions, or there is another provision probably that only one or two cases of transfers of debts would be excused and not other cases. Now, even if that is not considered sufficient, though I think that that condition is quite sufficient, then they could say, "well, even in the case of these banks any debts which they have purchased after a certain date, would be covered by the definition of debt. Why destroy the whole town simply because there are one or two thieves living in that town? Why not ask the whole town to catch the thieves and bring them to book? But this is their method of doing things. (*Interruption.*) Yes, there is a provision.

even in the existing Act as it is. I have not got the book; otherwise I would have pointed it out. It may be pointed out later on. There is this provision. They knew that the evil might come and these people might transfer their debts to the banks, and they have prevented it by a provision. There was, therefore, absolutely no necessity of interdicting the coming into existence of new banks. Why would people bring a bank into existence if under the law they are prohibited from charging interest higher than $7\frac{1}{2}$ per cent or 2 per cent higher than the bank rate, whichever is higher? One might say this gives sufficient scope for the arranging of interests from 3 to $7\frac{1}{2}$ per cent. But $7\frac{1}{2}$ per cent is the maximum limit. (*Interruption.*) I am pointing out what the effect of these things would be if this amendment made in the select committee is allowed to remain. It would mean that the banks that come into existence in future shall not be entitled to charge interest higher than $7\frac{1}{2}$ per cent or more than 2 per cent over and above the bank rate. I have before me the bank rates for 48 years. It was only eight times that the bank rate rose higher than $7\frac{1}{2}$ per cent. It was mainly much below that figure. Therefore, the bank rate would be no guide in this respect. Again, as I said yesterday, banks deal with a different class of people and not with the class of people whom my friends are anxious to protect. They can think of some other means of preventing dishonest *mala fide* transfer of the poor zamindars' debts to these banks, instead of putting this stopper, as it were, on the growth of these banks. These are the few things that I wanted to say with respect to this.

Premier (The Honourable Major Sir Sikander Hyat-Khan): I am afraid that a great deal of breath has been wasted either through some confusion of thought or perhaps deliberately with a view to bamboozle these gentlemen here or some of the members on that side. The main objection to this proviso or rather the addition of these words is that it discriminates between one bank and another. The other argument which Sir Gokul Chand Narang developed is that it would make it impossible for new banks to be started because under this Act we have restricted the rate of interest and therefore those banks which come into existence after 1937 will be restricted to that rate of interest which is laid down in this Act, that is $7\frac{1}{2}$ per cent and he fortified his argument by citing the bank rate and saying that it has gone up above $7\frac{1}{2}$ per cent only in eight cases during 48 years. These seem to be the two main arguments in favour of the amendment proposed by my honourable friend Mr. Dev Raj Sethi. He said that this discrimination is, to quote his own words *bad tamiz*. I think I need not answer because there is no *bad tamiz* or *tamiz*. It is only a question of looking at a particular matter from a particular point of view or angle of vision and so far as his angle of vision is concerned, it is according to our old saying—

سارے کے اندھے کو ہر راہ میں سڑھتا ہے

So, I believe that is the reason why he said that this discrimination was unfair and unjust. My honourable colleague, the Development Minister, explained to the House the other day that we did not want to make any discrimination when the original Act was drafted. But my honourable friend Dr. Sir Narang and other friends who were on the Opposition benches—he was then on the Government benches—were of the opinion that it would retard trade

[Premier.]

would hamper trade and therefore all these banks which had been registered under the Companies Act should be excluded. We thought that argument was sound and we did not in any way want to hamper trade or do anything which might retard the progress of banking in this province and so the Government of the day and the party which was responsible for the amendment accepted that amendment and excluded all banks registered under the Companies Act including the Imperial Bank and other banks. Now, Sir, why has it been necessary to exclude banks which may have come into existence after 1937? I am not wedded to that particular year. If my honourable friend desires that we should change the year from 1937 to 1938, I would be perfectly willing to do so, provided it is some date before July, 1938, when the agrarian legislation was passed by this House. Why? Because, as was explained to this House the other day, one of the main reasons which weighed with us in putting on this rider, was that certain dishonest money-lenders—not honest money-lenders who have nothing to fear and need not go and get themselves registered because they are honest and will get their debts according to law which is in force—had elbudded together to evade the Registration of Money-lenders Act and other agrarian legislation. Now, would my honourable friend think that we would have been justified in allowing people to evade the laws like that?

Dr. Sir Gokul Chand Narang : Has the Premier ascertained from the Registrar of the Joint Stock Companies how many banks have been registered by *sahukars* after the 1st of April, 1937? The information is available to him—how many banks have been registered since the 1st of April, 1937, or the 2nd of July, 1938, since the passing of these agrarian Bills. Have any banks been registered by the *sahukars* since the 2nd of July, 1938? It is five minutes' business. Even now he can ascertain it on the phone.

Premier : My honourable friend asks how many banks have come into existence. It is not necessary to know how many have come into existence. Even if one or two only of that kind have come into existence, others may follow suit, and we want to protect our legislation from these loopholes. I made it quite clear. Why should my honourable friend worry about these banks? We are not retarding genuine banking and I hope I will be able to satisfy him that genuine banking will not be affected, and that for the simple reason *bona fide* banks will not be affected at all.

Dr. Sir Gokul Chand Narang : How do you make a distinction between *sahukars'* banks and other banks?

Premier : I will explain if the honourable member will hold his patience. I will do my very best to satisfy him, although, as he says, it is difficult for me to satisfy him, but I hope I will be able to satisfy every member here who has got any genuine apprehension with regard to our intentions. Now, Sir, you are aware that so far as the Imperial Bank is concerned there is no question of usurious rate for the simple reason that if you ask the Imperial Bank and decide to deal with the Imperial Bank you will find that they seldom go beyond six per cent and where there are good securities, gilt-edged securities, you will find that the Imperial Bank would be prepared to lend to business houses for trading purposes and for other purposes, and their day to day loan rate is one per cent or one and a quarter per cent. But

even with regard to short-term loans or medium-term loans or long term loans their rate of interest is seldom more than six per cent. If there is no tangible security, the bank will refuse to lend. They want good security. Other banks also do not charge high rate of interest. They all want good security and so far as the business or trading community is concerned, their rates are not very high, not very much higher than the rates of the Imperial Bank for the simple reason that this sort of business is done through the clearing houses and the whole of that volume of business passes through the same channel. But it benefits only the scheduled banks and that is one of the reasons why I accepted this rider or qualification here because it will give an impetus to the institution of these banks which will be scheduled banks so that banking may also benefit and the province may have good banks instead of having mushroom bogus banks. We will have real banking concerns which will have at their back the support of the Reserve Bank and the Imperial Bank and all the resources of the scheduled banks. I hope I have made my point clear. My honourable friend said, why should we try to retard the progress of banking in this province? We are not going to retard it. My honourable friend will concede that even a bank started on a small scale should have some reasonable amount of capital and what is the capital required for a bank to be scheduled? Only five lakhs, not necessarily five lakhs of paid-up capital, but if a bank has three lakhs of reserves and two lakhs of paid-up capital, it can still be a scheduled bank; the main criterion is that it should have liquid assets, tangible assets to the extent of five lakhs.

Lala Bhim Sen Sachar : Even capital not called?

Premier : Does my honourable friend want to do the same thing as money-lenders who with one hundred rupees try to do business worth one lakh? We want solvent banks, solid banks and banks based on a sound financial basis. Five lakhs of paid-up capital or two lakhs of paid-up capital and three lakhs of reserves.

Dr. Sir Gokul Chand Narang : May I ask one question? Will the Premier enlighten the House as to how many banks are there in this province with a paid-up capital of five lakhs or more? Five lakhs paid-up capital means quite a big bank, he ought to know it. And how long does it take to build a reserve of three lakhs with a paid-up capital of only two lakhs? I do not know how he is talking.

Premier : I am talking of facts and realities. I am not trying to bamboozle anybody. I am merely saying that a bank can become a scheduled bank if it has got a capital of five lakhs, and not necessarily paid-up capital but two lakhs of paid-up capital and three lakhs of reserves. But if a banking concern has not got that, I am sure he will not call it a banking concern of repute. I would not.

Diwan Chaman Lal : Even if it has got Rs. 4,99,000.

Premier : If it has Rs. 4,99,000 and if it wants to do genuine business, it can easily increase it up to five lakhs if it is a bank of any repute. In England, there are private banking companies, private banks of repute and also big concerns like these which were responsible for bringing down the Alliance Bank. My honourable friend must know of them. They are big banks and even now you will find that, in other countries, apart from joint

[Premier.]

stock banks there are private companies of individuals or of a few friends. There is nothing to stop you from starting similar banks, but you cannot possibly ask us to give you the benefit which you give to those banks or concerns which have got not only a high reputation but also tangible assets or assets which are known to the public and which have got the support of the Reserve Bank and other scheduled banks. My honourable friend will agree that it would be unfair and unjust to place a bank of that reputation and that integrity and that financial strength and support on a par with a joint stock bank which has been registered over night with a capital of say one thousand. One of the complaints which we received was that some money-lenders (I am not talking of honest money-lenders who do not want to evade the law and need not do so, but I am talking of dishonest money-lenders) club together as joint stock companies, and then get debts transferred to these concerns so as to evade the law. That has been the complaint. Now my honourable friend says, how many of these concerns have been registered. We will make an effort to find out, but even if only one has been registered, we want to stop in future the same kind of mushroom concerns, bogus concerns which have been registered with the purely dishonest motive of evading the law, and we will try to thwart them.

Dr. Sir Gokul Chand Narang : Fix a limit.

Premier : As I have said, there is no intention of thwarting genuine banking business and I think my honourable friend and those who have the interest of the province at heart will agree with me that we should encourage those banks which not only command the respect of the people and respect of the banking concerns, but have the solid support of the Reserve Bank, which is the financial mainstay of this country. This does not cost them very much, only two lakhs of paid-up capital and three lakhs of reserves. It means five lakhs will assure them that privilege and that advantage.

Lala Bhim Sen Sachar : In how many years can they build up 3 lakhs of reserves ?

Premier : Try to build it up as quickly as possible.

Lala Bhim Sen Sachar : How many years will it take ?

Premier : Put in five lakhs at once.

Lala Bhim Sen Sachar : How many companies have been able to raise five lakhs at once ?

Premier : I am not talking of companies, I am talking of banks.

Lala Bhim Sen Sachar : A bank is also a company.

Premier : If a banking company has not got a capital of five lakhs of that particular character it is not worth the paper on which it is written.

Lala Bhim Sen Sachar : You must give it time to grow.

Premier : I know perfectly well that there are some concerns which have got a small capital of three lakhs and yet they have built up a strong reputation. There are such banks as the Bolton Brothers—

An honourable member : But they bolted away.

Premier : Yes, they did. We want to stop that bolting type of banks from coming into existence. It is due to these Bolton Brothers that the Alliance Bank came to grief. I was one of those who suffered and perhaps there may be several others here who may have also suffered. (*An honourable member :* Poor zamindars.) No. Poor businessmen. I was then a businessman. My point is that we have got no sinister intentions against any honest banking concerns nor against honest bankers. The only thing we want to avoid is the growth of bogus banks, where dishonest money-lenders club together so as to nullify the provisions of this law.

Lala Bhim Sen Sachar : May I put a question to the Honourable Premier ? May I know if it will be possible for him to give the same weight to a company with a paid-up capital of say 8 lakhs as on the 1st of April, 1937? Because he wants to fix a standard and he would tolerate a bank with a capital of only two lakhs if it was registered before 1st April, 1937. If instead of the date, he fixes the paid-up capital of three lakhs, that would prevent dishonest combinations of *sahukars*.

Premier : Why should those banks which were registered before 1st April, 1937, benefit by this law ? It is because there was no question of dishonest motives when they came into existence. There were then no agrarian laws and only genuine, *bona fide* people who wanted to open a bank registered themselves as joint stock companies before 1937. It was only after that date that this danger has arisen of dishonest people clubbing themselves into joint stock companies. If the honourable member wishes the date to be changed into 1938 I am perfectly willing to do so.

Dr. Sir Gokul Chand Narang : May I make a suggestion to the Honourable Premier ?

Mr. Speaker : I wish I could accede to the honourable member's request.

Dr. Sir Gokul Chand Narang : May I ask a question of the Honourable Premier, then ?

Mr. Speaker : Certainly.

Dr. Sir Gokul Chand Narang : Has he gathered the information for the collection of which he sent his Parliamentary Secretary ?

Premier : Full information is not yet available. As soon as it becomes available I will make a present of it to the House.

Dr. Sir Gokul Chand Narang : May I know what the idea of the Honourable Premier is as to the resources of these dishonest *sahukars* who may combine and form banks which he wants to avoid ? Do their resources reach anything like Rs. 50,000 in rural areas ?

Premier : That is not the point. The village money-lenders can pass on their interest to bigger *sahukars* in cities. But, why should my honourable friend feel worried about them ? If they are *bona fide* money-lenders they should not be worried about it. It is only the dishonest money-lenders who try to evade the law that we want to discourage. Honest money-lenders may continue their ordinary business.

Dr. Sir Gokul Chand Narang : The Honourable Premier does not seem to have understood my point. He must understand that a bank with a paid-up capital of five lakhs is not a small thing. It is very difficult. It is still more difficult to have a bank with two lakhs paid-up capital and three

[Dr. Sir Gokul Chand Narang.]

lakhs reserve before it can claim to be one of the scheduled banks. Therefore, the mere provision to which he referred, namely, that an honest bank with five lakhs paid-up capital or two lakhs paid-up capital and three lakhs reserve will be placed in the list of scheduled banks, is not one which will not prevent the growth of sound and honest banks.

Mr. Speaker : The honourable member is making a speech.

Dr. Sir Gokul Chand Narang : The Honourable Premier does not seem to have understood my question. That is why I am explaining it. In the villages it is out of the question that the dishonest *sahukars* can combine.

Mr. Speaker : That is an argument.

Dr. Sir Gokul Chand Narang : I shall then put my question in a short sentence. Does he really think that in the villages it is possible for a dishonest *sahukar* to get hold of seven people, because that is the minimum number necessary to form a company, and raise a capital even of Rs. 50,000 or one lakh in order to get out of some of the provisions of this law?

Mr. Speaker : That is a matter of opinion.

Premier : Why should seven dishonest people club together and form a scheduled bank? That is not their object. Their object is merely to evade the law by taking over the debts of their individual debtors and become a public company and thus avoid the Registration of Money-lenders Act.

Dr. Sir Gokul Chand Narang : The Honourable Premier has not answered my point.

Premier : No bank has been registered so far.

Dr. Sir Gokul Chand Narang : If that is so, the *raison d'être* for this legislation is not clear. My fear is that this clause will retard the progress of other banks.

Mr. Dev Raj Sethi (Urdu) : Sir, I thought that the Honourable Premier, who had been once at the helm of affairs of the highest banking institution in India, would throw some light on this important matter. But he has failed to give a convincing reply. He has been pleased to inform the House that he has laid down the condition of 'prior to first day of April, 1937' with a view to prevent the dishonest money-lenders from running any banking company or transferring their debts to other banks. You would remember, Sir, that while moving my amendment, I invited your attention to the fact that the select committee had in section 4 already suggested an amendment to meet this exigency. The amendment reads as follows :—

Other than debts transferred to such societies, banks or banking companies during the pendency of an application under section 9 in which such debts could be taken into consideration for the purposes of this Act, or debts transferred to such societies, banks or banking companies on or after the 2nd day of September, 1938, if in the opinion of the board such transfer was effected with a view to avoid the operation of this Act.

I would like to enquire from the Honourable Premier, when a provision is already there to cope with the situation apprehended by him, where then is the necessity of laying down the condition of 1st April, 1937, and unnecessarily victimising one class of banks? I expected a satisfactory reply from him but he has disappointed me. Again, he remarked that if anybody wanted to start a banking concern, he should

first arrange for a paid-up capital amounting to one or two lakhs of rupees and then build up a reserve to the tune of three lakhs of rupees. Is the Honourable Premier aware that it would take years for a banking company with a paid-up capital of two lakhs of rupees to build up a reserve of three lakhs while making advances at the rate of 7½ per cent interest? It will have to face great difficulties especially when it has to compete with the big banks. Nowadays the profits earned by the banks are very meagre. Some money-lending concerns for years do not declare any dividend. How can they build up such colossal reserves? If you peruse the history of banking for the last 12 years you will find that almost all the new banking companies that came into existence were crippled in their infancy owing to hard competition with the big banks. I submit that you can by all means pass this measure with the help of a comfortable majority but the result would be that foreign banks like the Allahabad Bank, the Lloyds Bank, the National Bank of India, etc., would flourish at the cost of indigenous banking concerns. I may also point out that the Colony Bank at Lyallpur and New Bank and City Bank at Lahore which are doing much useful work cannot fulfil the conditions laid down by the Honourable Premier and naturally to their great detriment invidious differential treatment would be meted out to them. In my opinion this is nothing short of an attempt to strangle them.

Now as regards the question of dishonest money-lenders' attempt to transfer their debts to the banks, I may point out that we are going to support clause 4 of the Bill. I may also mention that when we on this side of the House are prepared to support this amending clause, I see no reason why Government should callously disregard our reasonable suggestions. Again, if it is intended to afford relief to the non-agriculturist debtors, it does not mean that Government should strike at the root of industrial development or trade of the province. I would, therefore, request the Honourable Premier to consider the matter dispassionately. He should not be carried away by notions of false prestige and should accept my amendment. I am strongly of the opinion that the retention of the words 'prior to the first day of April, 1937' is most undesirable in view of the fact that the object of the Premier is already being fulfilled by another provision of the Bill.

Premier : Sir, it appears that either my honourable friend has failed to understand my line of argument or he has not cared to follow me. However, if he is particularly interested in the banks referred to by him, I am quite prepared to change the date from 1st April, 1937 to 1st April, 1938. My honourable friend may move an amendment to that effect and I will accommodate him by incorporating it in the Bill. But I must categorically deny the charge brought against me that I want to stifle the growth of banking business in the province. As a matter of fact no one would be more pleased than myself to see the banking industry flourish in the Punjab, but it must be developed systematically and on proper lines. I believe the honourable members are aware of the fact that one of the objects of the Registration of Money-lenders Act was that the money-lenders should desist from dishonest lending and invest their capital in joint stock companies, which will in their turn help the industrial development of the province. I would, therefore, ask my honourable friends to start such banks as may fall within the definition of the scheduled banks. I may also sound a note of warning that the

[Premier.]

time is not far off when no bank worth the name will be able to stand on its own legs if it fails to become a scheduled bank.

An honourable member : It would be difficult for them to attain that standard.

Premier : But the difficulty is that when we endeavour to raise them to the requisite standard, my honourable friends opposite try to nullify our efforts. I want to emphasise one fact and that is that within a few years, say five years hence, it will become well nigh impossible for a bank to survive if it is not of the scheduled variety. I make this prophecy with the fullest confidence and if it turns out to be untrue I will gladly admit that I was guilty of an error of judgment. But at present what I want to drive at is that I see no reason why the banks should not take advantage of the Reserve Bank whose vast resources would help them through thick and thin. The main object of the banks which do not want to be included in the second schedule of the Reserve Bank of India Act, 1934, is to charge heavy rates of interest compared with the rates charged by the scheduled banks, and thereby they intend to extend their business. As a matter of fact they care more for quantity than for quality. But henceforward they will be prohibited from transgressing the prescribed limit. I may point out in this connection that almost all the important banks in the Punjab have been included in the 2nd schedule of the Reserve Bank of India Act.

Besides, I may state for the information of my honourable friends, if they do not already know it, that it is not necessary that every concern doing banking business should get itself registered. My friends can do banking along with some other business through joint stock companies. But I would advise them to start scheduled banks if they want to develop banking business on proper lines. One thing more and I have done. One of my honourable friends opposite has remarked that the capital of *sahukars* amounting to lakhs and crores of rupees would remain idle because of this measure. May I suggest one thing? They should start banks, of course on proper lines, in every division of the province. This would help to earn them a good name and also provide them with honest means of living. (Cheers).

Mr. Speaker : The question is—

That in the proposed clause (iv) (c), lines 23-24, the words "prior to the first day of April, 1937," be deleted.

The motion was lost.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban) : I move—

That in the proposed clause (iv) (c), lines 24—26, the words and figures "or any co-operative....., 1912" be deleted.

This clause seeks to exempt the co-operative societies from the orbit of the Bill under discussion. My amendment seeks to establish that there should be no such exemption granted to the co-operative societies. I had something to say on this subject when the circulation motion was being discussed on the floor of this House and this matter was also discussed when originally the Bill was introduced in this House. We have given almost all

reasonable arguments in favour of our amendment before and we have also listened to two speeches delivered by the Honourable Minister of Development and the Honourable Premier in defence of the exemption which the Bill provides for the co-operative societies. The argument which was given by the Honourable Premier was that the co-operative societies were running very efficiently and that they did not charge a higher rate of interest and hence the exemption of the co-operative societies from the purview of this Bill. May I point out that such an incorrect statement was not expected from the Honourable Premier who is head of the Punjab Government because this was contrary to facts? Later on when I pointed out this thing in this House to the Honourable Minister of Development, he got up and gave another kind of argument in favour of this exemption. What he said was that the co-operative societies were being run by the agriculturists themselves and that the proceeds or the profits of those co-operative societies were divided amongst the members themselves and, therefore, there was justification for exempting the co-operative societies from the purview of this Bill. The other day when I suggested that the Honourable Minister for Development was trying to create a new class of money-lenders in this province or was trying to create barriers between money-lenders and money-lenders, he in his reply repudiated this charge, but here he is applying the same argument to co-operative societies, that the co-operative societies consist of agriculturists, that the co-operative societies consist of certain members who belong to the same tribe or community and that since the debtors also belong to the same class and they are members of the co-operative societies, so whatever proceeds of the co-operative societies are, or whatever profits of the co-operative societies are, are divided amongst the members themselves and, therefore, they derive benefit from the advantages which were offered by the co-operative societies and hence the exemption. Therefore, my submission is that my original charge that the Honourable Minister of Development is trying to create a new class of agriculturists, is correct. It so happens that by accident of birth a gentleman is born in the family of an agriculturist. He thinks that there is no harm if that agriculturist possesses the right of sucking the blood of the debtor. This was not only my opinion. At that time my interruption was not welcome but I repeat that interruption now that this charge is also laid in the Minute of Dissent which has been written by my honourable friend Sodhi Harnam Singh. The other day the Honourable Minister for Development dubbed us as representatives of money-lenders, he dubbed the Punjab Congress Committee as representatives of vested interests and of capitalists. But now an agriculturist member of the Unionist Party complains that the Government is trying to create another class of agriculturist money-lenders and not only that but in the view of Sodhi Harnam Singh, as he says in the Minute of Dissent, a Jat *bania* is in many respects more rapacious than the Hindu non-agriculturist money-lender. These are not my words, these are not the words of an urbanite; these are not the words of a Congressman, but these are the words of an honourable member belonging to the party in power in that House. So, my submission is that since a *carte blanche* is provided for in the Bill for the co-operative societies, we feel that taking into account the widespread resentment against the rapacious method adopted by the co-operative societies—and this is a universal feeling in the rural areas—this amendment

[Ch. Krishna Gopal Dutt.]

should be accepted and exemption should not be granted to the co-operative societies. Various arguments have been given that those banks are not going to be exempted from the purview of this Bill which have come into being or will come into being after 1st April, 1937. One of the arguments is that the money-lenders have now started....

Mr. Speaker : That is not under discussion now.

Chaudhri Krishna Gopal Dutt : But since that argument was given, I am going to apply that argument to the case of co-operative societies. It was said that new associations have sprung up and, therefore, they should not be exempted. On the same basis, taking cue from the same argument, my assertion is that the co-operative societies are not working properly, are not working efficiently, are not working honestly in this province and, therefore, on this ground even no exemption should be given to the co-operative societies. May I draw your attention to the fact that it was a member of the Unionist Party who in the old Council delivered a lengthy diatribe against the working of the co-operative societies in this province? I forget his name. It was, I think, Chaudhri Shah Muhammad, an honourable member of the old Punjab Legislative Council. He was an agriculturist and was interested in co-operative societies and not only that but he was conversant with the working of the co-operative societies in this province and he laid serious charges against the working of the co-operative societies. It may be said that that was the old Council and this is a new Assembly and a new party has come into power and it is the party of the zamindars, it is the party which seeks the welfare of the rural classes in this province and, therefore, those evils do not exist now. But may I draw your attention to the Report on the working of the co-operative societies in the Punjab for the year ending 31st July, 1938? This is a very serious reflection on the working of co-operative societies which is not made by any irresponsible member of this House and not even by any Opposition member but by a public servant of the Government. I am reading paragraph 51 on page 46 and that paragraph is signed by Mr. F. B. Wace, Registrar, Co-operative Societies, Punjab. I put it to the serious notice of the House. He says—

The number of cases of dishonesty which fell from 359 to 221 last year has taken a sharp upward curve again and this year was 379. Of these no less than 109 are reported from Multan, one liquidator (whose case was mentioned last year) being involved in 58 cases and a secretary of a society being involved in 26. Altogether 112 persons were involved in the 379 cases reported; of these 12 were sub-inspectors, 11 liquidators, 11 execution agents, 61 office-holders of societies and 10 clerks. The unfortunate part about these cases is that there is yet very little trace of public feeling against them and the tendency is almost always for members of societies to decline to give evidence or to give it in such an half-hearted manner that the chances of conviction are remote. Criminal proceedings were taken in 61 cases during the year and 22 convictions were obtained either in these cases or the cases lodged during the previous year.

This is a report of the lack of working of co-operative societies in this province. These are the kind of societies run in this manner inefficiently and dishonestly. These are not my words. The heading of the paragraph is 'dishonesty.' These co-operative societies are working dishonestly in this province and it is such dishonest societies which are sought to be exempted

from the purview of this Bill. (*An honourable member* : If they are zamindars.) They may be zamindars by chance, by birth or by worth or by profession, but the actual fact is that even according to the confession of the Government themselves these co-operative societies are working inefficiently, incompetently and dishonestly in this province. So, the argument advanced by the Honourable Premier, that these co-operative societies are working properly and efficiently and that they are not charging higher rate of interest, and hence the exemption, is absolutely wrong. The other argument advanced by the Honourable Minister for Development in favour of these societies, while he was replying to my speech the other day on my circulation motion, was that the proceeds or profits of co-operative societies were distributed amongst the members themselves and most of those members were debtors, hence the exemption. This also in my opinion is begging the question. This is also a fallacy which does not lie in the mouth of a lawyer to advance in this House. If we accept this argument, then it comes to this that a gentleman, in the first instance, is kidnapped and in the second instance a ransom is given to the robbers and he is returned home. Now, Sir, the Honourable Minister for Development tries to justify the act of kidnapping by the mere fact that the man has been returned home, but he forgets that the relatives of the man kidnapped were robbed and fleeced of so much money. Similarly, in the case of these co-operative societies, so far as the argument that they may charge 12 per cent or 10 per cent or 9 per cent or 8 per cent is concerned, in the first instance, the members' blood will be sucked and they will be asked to pay that high rate of interest and if they are not able to pay then they will be asked to sell their ornaments, cattle, fodder and even their wives and children so that that high rate of interest may be paid, and then afterwards, when there is the question of certain profits of the co-operative societies, they will be distributed equally amongst those members. I am surprised at this argument. How much profit will accrue to that particular gentleman, who is, in the first instance, to pay 9 per cent or 10 per cent or 12½ per cent? He is, in the first instance, being asked to pay a higher rate of interest, taking a long view of things and later on a part of that will be refunded to him. This is absolutely wrong and illogical. No other argument was given in favour of exempting the co-operative societies from the ambit of the Bill under discussion. If there is any new argument, I shall deal with it in my reply. With these words I commend my amendment to the acceptance of the House.

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

That in the proposed clause (iv) (c), lines 24—26, the words and figures, "or any co-operative....., 1912" be deleted.

Pandit Shri Ram Sharma (Southern Towns, General, Urban) (*Urdu*) : Sir, I rise to support the amendment moved by my honourable friend Chaudhri Krishna Gopal Dutt. This clause is concerned with the rates of interest which will be permissible under this Bill. It also lays down restrictions on certain banking business and exempts certain others from such restrictions.

The provision in the Relief of Indebtedness Act, 1934, has been substituted by the inclusion of this clause in this new Bill and certain banking concerns have been exempted from the condition, which has been imposed upon others, that they cannot charge more than a specified rate. According to the

Pt. Shri Ram Sharma.]

old Act, the co-operative banks, for instance, were not allowed to charge a higher rate of interest than a specified rate. Although the rate has now been reduced in this amending Bill yet the co-operative societies have also been exempted from the operation of this clause. In other words the present Bill is giving wide powers to the Honourable Chaudhri Sir Chhotu Ram, the Minister in charge of the Co-operative Department, to play the rôle of a shylock.

Mr. Speaker : I request the honourable member not to be personal.

Pandit Shri Ram Sharma : I am not personal, Sir. In fact I am strongly opposed to the idea that these co-operative societies should be exempted from the provisions of the Bill and set at liberty to charge interest at any rate they like. In 1934 they were not exempted but in the year of grace 1940 they are to be under no restriction on the rate of interest to be charged.

Now, Sir, the question is as to how these societies generally work and to what extent they have actually succeeded in affording relief to the poor and deserving people. The official reports issued from time to time by the department itself throw a flood of light on this subject. My honourable friend Chaudhri Krishna Gopal Dutt has been pleased to read out certain passages from those reports. But I would like to make a few observations with regard to the working of these societies in my own *ilaga*, i.e. the districts of Hissar, Rohtak, Karnal and Gurgaon. I may submit that these observations would be based entirely on my personal experience. In fact, I have good reasons to believe that these societies have been playing havoc in those districts. One may tolerate the grant of such concessions to a department which has done any inadvertent omission but how can we brook the idea of extending such exemptions to a department which has miserably failed to afford proper relief to the poor and destitute agriculturists as well as non-agriculturists, especially when such a failure has been definitely admitted in the official reports? Let me sound a note of warning to the Government that it would be a flagrant error on its part to allow these societies to fix any rate of interest they deem fit. I know the Honourable Minister would get up and say that in most cases Government issues instructions to various societies to see that the amount of interest charged on the sum advanced does not increase out of all proportion. But my contention is that these instructions have no legal sanction behind them. Let us admit that to-day you are so kind as to order the societies to scale down interest but if to-morrow you direct them to enhance its rate what right have we to prevent you from doing so? I am at a loss to understand why these societies have been favoured with such exemptions. Let Government know that they will not relieve the debtor who requires protection under the present circumstances.

During the current as well as the last session of the Assembly I gave notice of several questions with a view to ascertaining as to how much amount of money these societies have recently advanced to the famished people of my *ilaga* as loans, and how much they have realized from them. The questions were indeed of great importance, especially when we are told in season and out of season that due to the famine relief measures the State exchequer has been completely emptied. We were very anxious to know

how far this department has proved useful in helping the poor people in these days of dire calamity. But it is a pity that these questions were never satisfactorily answered. Sometimes it was said that the answer was not ready. At other times we were sermonised that the result of the required information would not be commensurate with the labour, time and expenditure involved in its collection. And the answers that were given to certain questions of mine were vague, ambiguous and evasive. Anyway, I was told that there was not considerable difference between the sums advanced to and realized from the people of these famine-stricken areas, while in Hissar the co-operative societies realized more and advanced less. From this significant answer one can easily judge the extent of the useful work done by the Co-operative Department in those districts. Apart from this I put several other questions as to how many civil suits these societies have filed against the poor agriculturists, how many attachments and auctions have taken place and how many arrests have been made in the districts of Hissar, Rohtak and Karnal. These questions too were not answered by the Government. But just a few minutes before I got up to make this speech a statement showing the necessary facts and figures was made available to me. These statistics show that under the control of a single Assistant Registrar of Co-operative Societies a sum of Rs. 5,90,238 was realized from the poor debtors in the district of Rohtak. No less than 3,736 decrees were obtained from the courts against the agriculturists who are considered to be the backbone of the present Government. Again, 117 auctions have been made with the result that Rs. 8,740 were realized. Besides, 10 arrests were made. All this has been done under a government which never gets tired of claiming to be the sole protector of the rural community. You will be shocked to hear that the officers and subordinates who showed leniency or gave latitude to those famished people were either suspected or fined by the same Assistant Registrar. May I ask in all seriousness whether it is just and proper on the part of the Government to extend exemptions to such a light-hearted department which does not realize the gravity of the situation prevailing in those areas? Six years ago this department was bound to charge interest at not more than a fixed rate but to-day it is provided in the Bill that whatever rate it might fix would not at all be considered excessive. The statistics which I have just read out related to the district of Rohtak which has the honour to be the native district of the Honourable Minister of Development. Now, I come to the figures relating to the district of Hissar where famine is in full swing. Here the department has recently realized as big a sum as Rs. 98,445 from the poor people who are in the grip of a terrible famine. The acuteness of the poverty prevailing in that area can be judged by the simple fact that here people have been employed on relief work for only 5 or 6 pice a day. Not only that but as many as 155 decrees were brought into execution which realized Rs. 50,000. It is only by way of illustration that I am giving all these figures. Otherwise I am sure that even these figures are not correct and dependable, because it is the considered policy of the Government to conceal the real facts and not to give them publicity lest the public mind should be shocked to hear them. It is within the knowledge of the Government that in Rohtak and Karnal a great agitation is going on against the attitude of the said Assistant Registrar. Big posters were of late published, not by the Congressites or the critics of Government

[Pt. Shri Ram Sharma.]

policy, but by those poor people who are considered to be under the protection of the present Government—I mean the penniless Jats. This department has been mentioned as a *butcher khana* in those posters. People are often heard saying that the Government has set up a *butcher khana* in these districts for slaughtering the rights and properties of the poor zamindars. The other day in reply to a supplementary question the Honourable Minister of Development was pleased to say that he did not see the said poster at Karnal and that it was only after his return to the headquarters that somebody sent him one. He remarked that the said poster contained only three or four complaints of which one or two had been found to be baseless on enquiry and the others were under consideration. Thus he closed the whole matter by giving this vague and evasive reply. The conditions obtaining in my district are awfully disappointing. The poor people who find it impossible to repay their debts are put to great hardships. Their lands, property and cattle are attached and auctioned, and when the department finds that even attachments and auctions will not do, it leaves the real debtors and puts the halter round the necks of other men. The department catches hold of sureties without ascertaining as to whether the real debtors are in a position to pay the sum. In the beginning several societies were started by dishonest and corrupt people of my district. Their object was to become either a president or a secretary of the society. In this way these people, who are in fact the agents and minions of the Unionist party, began to play ducks and drakes with the public money. When they were asked to repay the sums advanced the societies were declared insolvent. Thus the defaulters escaped scot free and the poor and simple-minded members, who were ignorant of the implications of law, were made to return on the plea of joint responsibility. In short all such things were mentioned in those posters. Several persons have told me that they represented all these matters to the Premier and the Minister of Development but nobody even cared to acknowledge the receipt of their representations. I advised them not to squander money on postal stamps as nobody was prepared in the Cabinet to pay heed to their complaints.

My honourable friend Chaudhri Krishna Gopal Dutt has read out certain passages from the report prepared by Mr. Wace. But what does the latter know of the real conditions obtaining in the province? I have dwelt at length on the state of affairs prevailing in a single district. The conditions of other districts may be still worse. My honourable friend Rao Pohop Singh, who has made an irrelevant speech as usual has not shared my opinion that the co-operative credit societies should not be favoured with such exemptions. In fact he has suffered a lot being involved in an embezzlement case, and I have every sympathy with him. He had to undergo imprisonment in this connection. So his observations may be based on his personal bitter experience. But let me point out that no amount of appeals on our part would ever move the Government to effect any improvement in the conditions of these societies.

Now let me give you another instance of the arbitrary character of this department which is being given a free hand to fix any rate of interest that suits its purpose. The Government is held responsible for any infringement of rules which may have been committed by even a patwari or a constable.

When we put a question to this effect the Government favours us with an answer which may or may not be correct. But when we bring this fact to the notice of the Honourable Minister of Development, rather I would say Minister of debtor men, that a certain society or any officer of the department has acted in direct contravention of the spirit and letter of the law he at once closes the matter by saying that the Government has nothing to do with the activities of these societies and the officials. They are under the Co-operative Union. Whenever we have enquired about the malpractices committed by

2 p. m. the department in question, Government have always endeavoured to shift the responsibilities to the Co-operative Union. My submission, therefore, is that it is no use passing this clause if Government will not take the responsibility of the omissions and commissions of these societies on their shoulder. So far as this department is concerned, I would say with all the emphasis at my command that their ways of lending money are defective and their position is no less than that of a paid agent of the Government. Sometimes the societies get their money back by beating their debtors. I know certain cases of this nature in which this department has infringed the law of the land. There were certain persons whose dwellings and lands could not be attached under the law but I have seen myself that they have been attached by these societies whose honesty the Government is so proud of. And the poor debtors could not afford to knock at the door of a court on account of their utter poverty. What I want to submit is that in spite of the fact that law is there the property of a poor debtor is attached and sold by co-operative societies. They have lost their credit on account of such unscrupulous dealings. I submit that the people have understood the value of this department, which is well-nigh a propaganda department in the hands of the Government to serve party purposes. The Government as a matter of fact use it for their political interest. The co-operative department has been doing work in my district as an agent of the Unionist Party. I may also point out that if in these co-operative banks deposits had not been made by the general public they would have become insolvent long ago. Under these circumstances I see no reason why this department should be exempted in this clause. With these words, Sir, I strongly support the amendment under consideration. I do not mind if the Government are not convinced enough by my remarks as I know they are like hardened criminals. However I have placed the facts regarding my district before you and I feel that I have done my duty by doing so.

Captain Sodhi Harnam Singh (Ferozepore North, Sikh, Rural) (*Urdu*): Sir, I have very attentively listened to the speech of my honourable friend Pandit Shri Ram Sharma. He has levelled many charges against the co-operative societies. Let me submit to him through you that as there are thousands of co-operative societies in the province it could be possible that a few of them might not have been working in an appropriate manner. It is not proper to condemn all of them. I admit there may be some black sheep amongst them. I may point out that black sheep are also found in the Congress Committees as Mahatma Gandhi has stated several times that there are certain persons in the Congress who are not genuine Congressmen, and they are not true to the Congress institution. We are to see whether the object of co-operative societies is good or bad, and whether a large number of

[Capt. Sodhi Harnam Singh.]

co-operative societies are working efficiently or not. I submit that their object is very laudable. It is to provide facilities to zamindars in taking loans at a very reasonable rate of interest. It is only these societies which protect zamindars from paying unreasonable interest to money-lenders. Besides, the management of the co-operative societies is in the hands of the zamindars and their representatives.

The object of clause 3 is that the maximum rate of interest should be fixed, that is, it should not exceed $7\frac{1}{2}$ per cent simple interest on recovered loans and $12\frac{1}{2}$ per cent simple interest on those loans which are not recovered. To-day the rate of interest charged by these co-operative societies is less than the proposed one. Some societies advance loans at 9 per cent and some at 7 per cent while certain societies which have considerable profits charge only 2 per cent interest. When the reserve of co-operative societies increases sufficiently they do not charge any interest. Just imagine, on the one hand zamindars are provided with so many facilities and comforts, and on the other money-lenders advance loans to them at the rate of 18, 20, 40 or 50 per cent interest. I know certain cases in my neighbourhood, where money-lenders give 10 maunds of wheat to zamindars for sowing purposes in October, and instead of 10 maunds they take 20 maunds of wheat from them in June next. It will be, therefore, much better if provision is made for the zamindars to get money at the rate of less than $12\frac{1}{2}$ per cent interest. The difficulty will thus disappear. This is exactly the object of the clause under consideration. I should like to submit that I advised my tenants that they should not borrow money from money-lenders as they charge very high rate of interest. If they require money they should have it from co-operative societies. I told them that they should not pay double the money to the money-lender when co-operative societies are there. They agreed with me. But later on they were persuaded by money-lenders who asked them not to borrow money from co-operative societies as they would entangle them and would leave no opportunity to attach their whole produce and animals. They came to me and refused to have any dealings with the co-operative societies. After some time when the Inspector of co-operative societies came to our village they refused to become members of the co-operative societies. I asked them where they would get money from to purchase sugarcane seed for the purpose of sowing sugarcane. They had been so much persuaded by the money-lenders that they said they would get it from *sahukars*. I tried to persuade them to get money from the co-operative societies but no argument affected them, and they gave no heed to any reasoning. I told them that each of them required Rs. 35 to purchase sugarcane seeds and they should bring so much money to purchase it from the Government Agricultural Farm. My tenants came to me the next day saying that the *bania* was prepared to lend them the required amount provided they pawned their ornaments with them and agreed to pay 25 per cent interest, to be recoverable at the coming harvest. It was then that they saw through the game of the *bania* and agreed to become members of the co-operative society and now they all appreciate it. Now they are carrying on quite well and none has any complaint against the co-operative societies. That is how baseless propaganda is being carried on against the co-operative societies by the interested money-lenders.

They tell people not to go near these societies because they are authorised to attach the property of the debtors, while the money-lenders cannot do so. Sometimes so much poison is spread against the societies that people are advised to give up their profession of cultivation rather than become members of a co-operative society. That is a baseless objection against the societies.

Another reason why the co-operative societies should not be placed on the same footing as the private money-lenders is that the former do not charge interest at more than $12\frac{1}{2}$ per cent. Moreover, they are under the control of a single department where supervision is strict. If any member is unjustly treated, he can at once seek remedy by making an appeal to the Deputy Registrar, and if he does not get justice at his hands, then he can go to the Registrar for it. Against this, we find no sure remedy in the case of private money-lenders. I have seen that even recognised banks charge 10 per cent interest with half-yearly rates even on the secured debts. I wish this exemption should not be extended to such banks which charge such exorbitant rate of interest. On the other hand co-operative societies only charge interest up to $9\frac{1}{2}$ per cent even on unsecured loans. I, therefore, oppose the proposed amendment which seeks to cancel the exemption of the co-operative societies from the purview of this Bill.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) : From the speeches that have been made in pursuance of this motion there seems to be a great deal of misconception as to the nature and character of co-operative societies. It has been suggested by the honourable mover of this amendment that co-operative societies are a new type of money-lenders, that they are open only to agriculturists and so an attempt to save co-operative societies from the operation of this Act is really designed to set up a new class of agriculturist money-lenders. That is entirely wrong. Co-operative societies are open to all. They do not make any distinction between caste and caste, between agriculturists and non-agriculturists, between Hindus and Muslims, between artisans and cultivators. They are open to all. Therefore there should be no illusion about the real character of these societies.

Another argument put forward was that these co-operative societies are not working honestly at all and therefore they do not deserve the concession which has been made in this Bill in favour of co-operative societies. Honourable members who have spoken in that strain seem to have misunderstood the real object of keeping co-operative societies out of the pale of this clause. I will first take up the question of the working of the department. Let me say frankly that there is a certain amount of dishonesty among certain members. There is a certain amount of dishonesty even among subordinate officials, with the result that the working of co-operative societies is not all that is desirable. But that does not mean that they can be justly placed on the same footing as private money-lenders. All that is needed is better control and effective supervision, and I am trying to do my level best to see that supervision and control in future are more effective. As a result of better control that has been instituted most dishonest people will disappear. Our critics should also concede that the discovery of instances of corruption does not mean that these societies or the officials working for them have become dishonest all of a sudden. The reason why a large number of acts of dishonesty or misappropriation have come to light is that we have

[Minister for Development.]

beep able to tighten the control and improve the quality of supervision. But to suggest that because there has been a certain amount of dishonesty in the dealings of co-operative societies therefore they should not have the concession which I have claimed for them and should be placed on the same level as private money-lenders is, I think, a very unfair suggestion, a suggestion which if accepted, may be very prejudicial to the growth and development of co-operative movement.

I explained the other day that co-operative societies stood on an entirely different footing from private money-lenders. The features which distinguish co-operative societies from private money-lenders are these. In the first instance, co-operative societies are not private individuals and any interest or money due on account of shares paid to these societies does not go out of the reach of the members. Any money that is paid to these societies either by way of interest or by way of shares becomes the property of the societies themselves and in the assets of these societies the debtors are also shareholders. Therefore if a debtor pays Rs. 100 to a co-operative society it does not disappear entirely. It becomes part of the assets of the society in which the debtor himself is a co-sharer. Therefore, the larger the amount of reserve in the possession of co-operative societies, the greater the benefit which will accrue to debtors themselves. Any payments made go to swell the reserves and improve the assets of the societies of which both the debtors and creditors are members. Take the instance of a society which consists of twenty members. Suppose that out of these twenty, five are not indebted and the rest are indebted to the society. Then, all the money that is paid back by the debtors to the society becomes the property of all the twenty members and not of the five only. Therefore any money paid to co-operative societies is not money lost to the debtors, as is the case when payments are made to a private money-lender.

Another aspect in which co-operative societies differ from private money-lenders is this. Co-operative societies are supervised by Government agency. Therefore the danger of dishonesty although not entirely non-existent, is far less than exists in the case of private money-lenders. Moreover, there is no personal incentive to become dishonest; because anything that is realized by a society is not the property of one single individual. It is the property of the society as a whole. Further, there are disinterested and honest supervisors who are under the control of responsible officers of Government.

Then, again, these societies are self-managed. They have their own secretaries, treasurers, presidents and members of the executive committee. Therefore if a single individual commits an act of dishonesty it is likely to become known to others and the other members can exercise a fairly good control over the doings of those who may happen to be dishonestly disposed.

Again, the Co-operative Department can, by its advice and guidance, control the working of co-operative societies. If the department thinks that a rate of interest is unduly high, it can advise that the rate should be lowered, or that arrears of debts should be scaled down. I quoted instances on the last occasion that in some cases the payment of Rs. 100 had been accepted as a payment equal to Rs. 300. In fact in a few cases the payment of Rs. 100 has

been accepted as payment for full Rs. 500, and even that Rs. 500 has been credited towards the principal and not towards interest. (*An honourable member*: Only in one individual case) I am speaking of individual cases. If in an individual case the rate of interest was required to be lowered by 25 per cent, and the Department or departmental officers thought that the rate should be lowered by 25 per cent they are in a position to see that the rate is lowered by 25 per cent. If departmental officers think that 25 per cent of arrears should be written off and it was practicable to get the arrears written off, they can ensure that 25 per cent of the arrears is written off. Now can this advice be accepted by a private money-lender? If an officer advises a money-lender that he should write off 25 per cent of the arrears of debt due from any of his *asamis*, will that advice be accepted by that money-lender? Certainly not.

Another misconception to which expression was given by my honourable friend, Chaudhri Krishna Gopal Dutt, was that the profits which accrue to co-operative societies are distributed among members of the societies. He was wrong—entirely wrong. For a certain limited period no dividends are allowed. It is only after a certain amount of reserve has been built up that dividends are permissible. Normally speaking dividends are not declared for the first 10 years. After 10 years when departmental officers think that a co-operative society has built up a fair amount of reserve, dividends are permissible. The amount of dividend is also determined as a result of advice a co-operative society may receive from officers. Thus the whole working of co-operative societies is determined by the advice and guidance of responsible officers of Government. Therefore to apply the same law to co-operative societies as we seek to apply to private money-lenders will be the height of unwisdom.

It was suggested by certain members that if private money-lenders are being prevented from charging more than a certain maximum rate of interest, why should co-operative societies be allowed to exceed that maximum? The reason is obvious. It is that we want to supply a large credit for the province—as large as possible. Now that credit will not be forthcoming from private money-lenders. At least I hope that it will not. Therefore some alternative has to be found to supply the necessary credit as required. And what can that agency be? That agency can only be our co-operative societies. Therefore these co-operative societies should be in a position to supply the necessary credit. With this object in view they should be enabled to form as large a reserve as possible within the shortest time possible. Therefore, they should be allowed to charge a higher rate of interest than private money-lenders or even ordinary banks are allowed to charge, because the higher the rate of interest—of course within certain limits—the greater the chances for forming a good reserve in a short period of time. When a sufficiently large reserve has been formed, they will naturally lower the rate of their interest. The officers will advise them to lower the rate of interest. Instances have been quoted in this House which show that there are certain societies in the Punjab which are not charging any interest whatsoever for the money they advance to their members. There are other societies which only charge 3 per cent, while there are many societies which charge 5 per cent, 6 per cent or even 7 per cent. There are some which charge 9 per cent. Just at present there are no co-operative societies which

[Minister for Development.] . . . charge more than 9½ per cent. We do not desire to place a rigid limit on the rate of interest, chargeable by these societies, so that they may be able to build up quickly a satisfactory reserve.

Now another factor which should be taken account of is this. Primary societies take loans from Central Banks and Central Unions ; and Central Banks and Unions take loans from the Punjab Co-operative Union while the Punjab Co-operative Union may have to borrow in its turn from the Imperial Bank. Thus there may be 3 or 4 links in the chain of creditors. Therefore, you cannot fix the same limit on the rate of interest in the case of co-operative societies, as you should in the case of a private individual or a bank which advances loans direct to its debtors. You must allow some margin between the rate charged by the Central Co-operative Union and the rate charged by the Central Co-operative Bank, and, then between the rate charged by the Central Bank or Central Union and the rate charged by primary societies from their own debtors.

Another objection put forward by certain members was that co-operative societies were very harsh in their methods of realization, that they use coercive methods for recovering their debts to a much larger extent than private money-lenders do. I deny that. It is wrong, entirely wrong. I told the House two or three days ago, and I told the House on two previous occasions in answer to Assembly questions that I have issued very strict instructions that no harsh measures should be adopted in areas which are famine stricken, and that no coercive methods of any sort should be used against those debtors who are really unable to pay.

One of the honourable members whose main business in life is no other than that of giving a bad name to the Government as a whole, to the party in power or to its individual members, went to the extent of saying that houses were sold, cattle were sold and even daughters were sold by debtors in order to pay off the debts due to co-operative societies. A wild allegation of that character is to say the least most unfortunate, and I dare say that it is malicious. I may not be able to nullify a decree of a court, I may not be able to nullify execution proceedings, but I have made it clear on every possible occasion that if any methods are adopted which are not allowed by the law, anybody can approach me either personally or by letter and that if any officials of my department are proved to have transgressed my instructions, they will be properly dealt with. I told the House a few days ago that I had already dismissed two officials and in the case of another, the officer concerned who reported that no action was called for, has been called upon to explain how and why he says that no action is called for. I keep a very vigilant eye in this direction, but if people fail to approach me either personally or by letter, I am not to blame ; it is the people themselves who are to blame. However, the real difficulty is that there is a certain class of people whose interest it is to give a bad name to and to bring into disrepute or discredit the Unionist Party or the Government as a whole. They will say anything. They may make any wild allegation. But their allegations are devoid of truth. Apart from personal motives which they may have for giving a bad name to Government, there are certain people who are the representatives of a class which looks upon co-operative societies as their rivals in profession. Therefore, the greater the disrepute into which they or their representatives in this

House can bring the co-operative movement, the larger the chances of their getting back their old custom. I have made it clear that I do not claim perfection for the department. There are cases of dishonesty on the part of members or office-holders of individual societies and also on the part of some officials. I am at all times prepared to look into any complaints that are made in good faith. But wild and reckless or malicious allegations should cease. I hope I have been able to explain why co-operative societies should be treated differently from private money-lenders and from ordinary banks.

There is just one more point to which a reply is called for. The honourable member representing Southern Towns General Constituency said that a much larger amount was realized both in the Hissar and Rohtak districts than was advanced to members of co-operative societies. It may be true. I need not deny it. I am not interested in denying it. But I want to make it clear to him and to the House that all recoveries made have been made from people who were committing a default wilfully. I had lists prepared which showed that in some cases members who owed, say a few hundred rupees to a society, had purchased land worth thousands of rupees during the last few years and had never cared to repay the debts which they owed to societies. I am not prepared to give any quarter to such wilful and deliberate defaulters. Cases came to my notice in many districts where default had been committed by fairly well-to-do persons for as many as nineteen harvests. I know that during the last ten years there have been years of plenty in which payments could have been made easily but no payments had been made. Therefore, strict action had to be taken against people of this class and if the honourable member representing an urban constituency who has no interests in the welfare of agriculturists or welfare of the co-operative movement, chooses to make such wild allegations, then I can only pray "God forgive him".

Chaudhri Krishna Gopal Dutt : I have carefully listened to the speech delivered by my honourable friend the Minister of Development but I regret to say that I have found nothing new, so far as the arguments are concerned, in his speech to which I should feel called upon to reply. We are not at all thankful to the Honourable Minister of Development for his having initiated this House into the working of the co-operative societies. That was a subject which quite a large number of us studied while we were in our colleges and a major part of the speech was devoted to the working of the co-operative societies in this province. To begin with, I should say that the manner in which he has admitted that there is dishonesty, inefficiency, incompetence in the co-operative societies, is halting. He admitted that there was a certain amount of dishonesty and that he shall do his best to remove that from the working of the co-operative societies. That is an attitude which is not in consonance with the facts as stated by me in my first speech. The impartial students of co-operative movement in this province are, in my opinion, unanimously of the opinion that the co-operative movement in this province has been a signal failure.

Minister of Development : No. If it has succeeded, it has succeeded here and in Madras.

Chaudhri Krishna Gopal Dutt : Either the Honourable Minister does not know what he is saying or he is protecting and shielding a large number of incompetent, inefficient and dishonest co-operative society

[Ch. Krishna Gopal Dutt.]

workers in the province. When the Honourable Premier was not here, I quoted from the report written, as I said, not by a member of the Congress Party nor by a member of the Opposition but by such a responsible gentleman as Mr. Wace, the Registrar of Co-operative Societies. The Honourable Minister admits that there is a certain amount of dishonesty. He admits that but says that he shall try his best to remove it. In the first instance my belief is that even if there is a certain amount of dishonesty, the first thing for him is to see that he succeeds in removing the dishonesty from the co-operative societies because he is now going to take a very important step that is to say the exemption of co-operative societies from the orbit of this Bill which is under discussion. Why should those co-operative societies, even those which have been admitted by the Honourable Minister of Development to be incompetent, inefficient and dishonest, enjoy exemption from the purview of this Bill? This is the question which I ask. He knows that there are societies which are inefficient, incompetent and dishonest.

Minister for Development : Societies are not dishonest. I never said that the co-operative societies are dishonest. Individual members in societies or individuals in societies may be dishonest. Societies as a whole cannot be dishonest.

Chaudhri Krishna Gopal Dutt : This is not how the report of Mr. Wace puts it. May I now, Sir, refer to another argument of the Honourable Minister and which has been again repeated just now, that is to say, that there is difference between co-operative societies and individuals and the difference arises out of individuality, that is to say, the money-lender is an individual and co-operative society is not an individual. So, according to his argument one particular gentleman and one particular type of money-lender has got no right to charge exorbitant rate of interest from the poor debtor; while a set of individuals or a set of rapacious money-lenders have got the right to suck the blood of poor people and charge a high rate of interest, simply because they belong to a particular section or to a particular class or to a particular tribe or to a particular community. This argument does not apply to the question under discussion because the fundamental question and fundamental fact before the House is not the type of money-lenders. It is the money-lender in this province who in various forms, is charging a high rate of interest and, therefore, it is high time that reduction in the rate of interest is effected by legislation and that reform is effected in the method employed by the money-lenders who are called money-lending societies. The question is not of the type of money-lenders, the question is not whether a co-operative society is a different kind of money-lender or whether the society consists of those poor debtors who want to cut their own throat willingly. That is not the question. Even if a debtor wants under stress of circumstances to cut his own throat or to pay voluntarily and willingly a higher rate of interest or an exorbitant rate of interest, legislation should be made to prevent him from doing so. The Honourable Minister should know that it is under stress of certain circumstances that the debtor has been doing these things, and willingly and voluntarily has been paying a higher and exorbitant rate of interest to the money-lender, may be a *bania* money-lender or Jat money-lender or a Pathan money-lender. Even to-day, despite the legislation, which has been given effect to by the Unionist

Government, the debtors in this province will be quite willing to pay a high rate of interest simply to get money. We here represent their real interests and we are keen on their welfare and it is up to us to see that under no stress of circumstances they, even willingly or voluntarily, should prepare themselves to cut their own throat and pay a higher rate of interest. So, Sir, this argument is no argument simply because the debtors, who are the members of co-operative societies, or collective bodies or co-operative bodies, should not be allowed to pay a higher rate of interest to those societies. The fundamental question before the House is to give relief to the debtor and to make a reduction in the high rate of interest. The question is not, as I have said before, to make a distinction between money-lender and money-lender or to create a sort of barrier between money-lender and money-lender. But the question before the House is as to what is the best method of giving relief to the debtor and what is the best method of reducing high rate of interest which is prevailing in this province. From that point of view, in my opinion, the spirit of the Bill which is before the House is contrary to the arguments which have been advanced in favour of exempting co-operative societies from the purview of the Bill under discussion. The subsidiary argument of the same argument which he repeated now was that these co-operative societies are managed by those people themselves. In my opinion this is also no argument for allowing co-operative societies to charge a high rate of interest. As I said, even if these are self-managed and these people themselves willingly, voluntarily and gladly pay a higher rate of interest, this does not mean that we, who are sitting here as their true representatives, will allow them to do so. If they are managed by themselves, they might be mismanaged or managed inefficiently or dishonestly. But the question is how many money-lenders are there who have been exploiting the poor debtors. In the name of debtors themselves, the debtors willingly allow themselves to be exploited. So, the question of mismanagement does not arise so far as exemption of co-operative societies is concerned. The other thing he said was—and it is up to them to decrease their rate of interest—that there are certain societies in the province who do not charge any interest. We do not deny this and nobody denies this. If there is a certain number of co-operative societies in the province who do not charge any interest, then their question does not arise. But the question is why allow other societies to charge a high rate of interest from debtors? This is the question. He perhaps wanted to take credit for this because he is in charge of that department. A few of them are not charging any interest. That is welcome. We are not talking of those societies. Why should not there be a law that there should be no co-operative society in the province which should be permitted to charge a high rate of interest? This is the question before the House. The question is not of a few societies. So, there is no new argument advanced by the Honourable Minister and I have nothing more to say except that I repeat *ad nauseum* that the working of co-operative societies in this province has been a failure. They are not being run efficiently, they are not being run honestly and on proper lines and they should not be classed in the same category as well-organised banks and they should not be permitted to be exempted from the purview of the Bill under discussion. With these words I commend my amendment to the acceptance of the House.

Mr. Speaker : The question is—

That in the proposed clause (iv) (c), lines 24—26, the words “or any co-operative 1912” be deleted.

The motion was lost.

Mr. Speaker : If the honourable members insist upon moving the deletion of the proviso, they can do so without making any speeches.

Chaudhri Krishna Gopal Dutt : It is not practical because now there is the question of other banks and the Imperial Bank which, I think, has not been discussed in this House before.

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

That at the end of the proposed clause (iv) (c), the following words be added :—
“or an insurer registered under the Insurance Act, 1938.”

The reason for this amendment is perfectly clear. The objections that have been raised to the inclusion of certain companies are not applicable in the case of insurance companies which are now governed by the Act of 1938. Those who have been following the progress of insurance legislation in the country know full well that the maximum safeguards have been provided for these insurance companies. No insurance company can ordinarily come into existence and therefore this point cannot be urged that it will be a concern which will not be substantial: two lakhs have got to be found anyway and then 55 per cent of the funds available have to be invested in approved securities. I personally do not think that I need elaborate this point very much. This has also to be admitted that insurance companies are amongst the very important lenders and that insurance companies have to lend money. Therefore it is only right and proper that they should be treated on a par with banking companies. As I have stated I do not propose to wax eloquent on this simple proposition. I merely want to know if Government have anything to say, so that I can reply to that.

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

That at the end of the proposed clause (iv) (c), the following words be added :—
“or an insurer registered under the Insurance Act, 1938.”

Minister for Development (The Honourable Chaudhri Sir Chhotu, Ram) : I am opposed to the amendment.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural) : It was expected that as the amendment was merely of a technical character and was really a case of *casus missus* that Government would not raise any objection to it. The Bill already “provides that the court shall not deem interest in excess of the above rates to be excessive if the loan has been advanced by the Imperial Bank of India or any bank included in the second schedule to the Reserve Bank of India Act, 1934, or any banking company registered under the Indian Companies Act, 1913, prior to the first day of April, 1937, or any co-operative society registered under the Co-operative Societies Act, 1912. Whatever reasons there may be for the exclusion of these banks and co-operative societies—and on these reasons the Honourable Minister for Development has waxed eloquent—they apply *a fortiori* to the case of the insurance companies and more especially after the coming into force of the Insurance Act of 1938. Everyone who has read

that Act knows how very stringent the provisions of the new Insurance Act are and how great a check and control over the affairs of the insurance companies and over its investment and dealings has been provided by the new Act. Not only there have to be actuarial valuations and the reports by the auditors, but the manner in which investments are to be made is also laid down. An insurance company registered under the Insurance Act of 1938 is therefore hedged in by far more restrictions than any banks which may have been registered under the Companies Act either on or before the 1st of April, 1937. What reason is there to exclude the insurance companies which have to invest their surplus funds, although a very small margin only is now available after investment in accordance with the new Act in Government securities? It is usually the money of the insurance companies which is available for the development of industries because they can afford to lend for long periods. It is not possible for the banks to lend for long periods: from the very nature of their business, the banks can only lend for short terms. Therefore it should be the policy of this House and the policy of everybody who wants to encourage industries to afford the same protection to the insurance companies which is claimed for scheduled banks and co-operative societies. Insurance companies all over the world are the mainstay of industrial development and should not therefore be hedged in by unnecessary restrictions. I have already urged that any grounds which exist for the exemption of the scheduled banks or the Imperial Bank apply *a fortiori* to the case of insurance companies registered under the Indian Insurance Act of 1938. Further, by accepting this amendment, Government would only be supplying an omission which seems to have been accidentally made.

Lala Bhim Sen Sachar: Sir, I think it is the shortest speech which the Honourable Minister for Development has ever made. Although it consists only of two or three words it gives an insight into the working of the mind of the Government. You cannot imagine a case in which greater ignorance of law and of commercial dealings in the country can be displayed. The Honourable Minister for Development has perhaps very lightly said that he objects to insurance companies being given the same status as he has been pleased to give to the banks which may not have 5 lakhs as paid-up capital or their reserve. If my honourable friend had known the working of the law which governs insurance companies, no company can come into existence unless it deposits Rs. 50,000 and has another Rs. 50,000 made available as its capital. A deposit of two lakhs has got to be with the Government and then may I just inform my honourable friend—evidently he is very ignorant of the provisions of the Insurance Act—if he does not know that in the case of insurance companies there are statutory obligations and an insurance company cannot go on beyond the maximum period of 5 years unless the position is quite solvent. He has very light-heartedly got up and said that he could not recognise insurance companies as corporations which may be entitled to special consideration that is being given to banks. The insurance companies have two functions. One is to cover the risks and the other is to make proper investment of the funds which are placed in their hands by the public. The funds have got to be invested and interest has to be earned. It has other functions into which I

3 p. m.

[L. Bhim Sen Sachar.]

need not go now. I do not know as to what possibly the idea of the Minister can be. I do not know if the Honourable Minister thinks that there are no agriculturists connected with insurance companies and therefore they need no consideration at all and because some agriculturists are connected with banks therefore they must be treated favourably. I have not been able to understand the mentality of this Government, as to how they want to deal with the people. I can quite understand if my honourable friend tells me that every proposal coming from this side should be treated with contempt because it comes from the Opposition. He wants to pour ridicule, pour contempt. One thing that the Minister should not forget is that time may not be distant when his own doings would recoil on him. He is treating everything light-heartedly. He is trying to introduce a wedge into the community. He is trying to create water-tight compartments. He is setting people against people and is creating hatred in the province. He cannot be fool all people for all time and the time shall come when the Honourable Minister of Development shall have to admit that he is going too far and the sooner he mends his ways, the better for him and for all.

Premier : I have not quite understood the object of my honourable friend in moving this amendment because I am not aware that insurance companies do money-lending business.

Lala Bhim Sen Sachar : Yes, they do.

Premier : They only invest money in gilt-edged securities or property.

Lala Bhim Sen Sachar : Loans.

Premier : They probably give loans on very tangible security. Insurance companies as such cannot lend money right and left like any individual. There are limitations under the new Act and I hope my honourable friend is not also overlooking the fact that an insurer can be an individual or a corporation.

Lala Bhim Sen Sachar : Do not display your ignorance. Please look up the Act for the definition. "Insurer" includes an insurance company, a corporation, a non-corporation and all that, registered under the Insurance Act.

Premier : It does. My honourable friend, I think, wants to exclude those business concerns which do insurance business.

Lala Bhim Sen Sachar : I have no objection to that.

Premier : Then what is his object? Does he mean to say that there are insurance companies which lend money without tangible security on those rates of interest? My honourable friend's amendment is only of academic interest. No insurance company worth the name lends money except on very good tangible security and they can invest money only in accordance with the conditions laid down in the Act. They cannot lend money like an ordinary money-lender or an ordinary bank. A bank can lend money without security, but an insurance company cannot. So far as secured loans are concerned, they merely do so for investing the money. Under the Act they must invest the money in certain kinds of securities. If they do it on tangible security they cannot possibly ask for an unconscionable rate of interest. They want a safe investment and reasonable rate of interest. They cannot gamble like an ordinary individual.

Lala Bhim Sen Sachar : Let my honourable friend be very careful about the words that he uses. He is a responsible man speaking from a responsible seat. Even in the case of banks they make investments on secured property. Does the Imperial Bank throw away the money without any security? Do you think insurance companies throw away their money?

Premier : Banks can lend money without security but on a promote.

Mr. Speaker : The question is—

That at the end of the proposed clause (ie) (e), the following words be added :—
“ or an insurer registered under the Insurance Act, 1938.”

The motion was lost.

Sir William Roberts (European) : Sir, I beg to ask for leave of the House to move the following amendment—

That at the end of clause 3 add—

“ Provided further that in the case of secured loans no bank or banking or insurance company except co-operative societies shall after the passing of this Act charge interest at more than two per cent over the bank rate or $7\frac{1}{2}$ per cent whichever is higher.”

I have omitted six months rests and it will be simple interest.

Rai Bahadur Mukand Lal Puri : Do you know of any bank lending on anything except at rests?

Chaudhri Krishna Gopal Dutt : This amendment was brought to the members of the Opposition and they suggested an amendment to it. Now Sir William has deleted certain words from that.

Premier : As I understand it Sir William wants to move this amendment only because he is under the impression that members of the Opposition are prepared to accept it. If they are I am prepared to consider it. (*Voices : We are not.*)

Mr. Dev Raj Sethi : The change proposed was ‘with six-monthly rests.’ Why was that not accepted? Everything else is all right.

Sir William Roberts : With six-monthly rests it becomes compound interest. If the Opposition are not prepared to accept it I do not want to move it.

Mr. Speaker : Question is—

That clause 3 stand part of the Bill.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I rise to oppose clause 3 which is a fundamental clause so far as the scaling down of the debts of a poor debtor is concerned. As you are aware what the Opposition wanted in this respect was that no discrimination should be made between an agriculturist and a non-agriculturist debtor, rural or urban. We wanted that the rate of interest should be decreased throughout the Punjab without making any distinction whatsoever. This was the controversial point on which certain honourable members sitting on the Government benches vehemently opposed us. They said that the Government have made provisions in the Bill for the sake of debtors and not for creditors. I should like to submit that the Honourable Minister has been dinning into our ears time and again that the debt

[Mr. Dev Raj Sethi.]

amounting to two hundred crores of rupees of the agriculturist debtors should be reduced. But now when an opportunity has come Government insist upon exempting big banks, co-operative societies and the Imperial Bank. I submit that by making a distinction between a bank and a bank, the object of the Bill will not be achieved. If you kindly have a look at the report of the select committee, you will find that most of the zamindars borrow money from co-operative societies not only to meet their seasonal necessities but also they borrow money from co-operative societies at 15 per cent to pay land revenue to the Government. If the restriction had also been imposed on the co-operative societies, the Government would have suffered a great loss, as the co-operative societies would not be able to borrow money. It is for this reason that the Government want to exempt co-operative societies. The Honourable Premier was pleased to say that he did not want *sahukars* to establish new banks and transfer their debts to them. I replied to him that clause 4 was there to fulfil his object. He agreed with me and even his Parliamentary Secretary felt the weight of my argument. Then a joint formula signed by certain members sitting opposite was moved by the honourable member Sir William Roberts. I submit that there was very little difference between the formula moved by the Government and proposed by us; but in spite of the difference, we on this side are prepared to accept the amendment moved by Sir William Roberts. It is a pity that the Government made lame excuses and withdrew that proposal on a very flimsy ground.

Mr. Speaker : Leave to move that amendment has been refused by the House. So the honourable member should not discuss it. It is not a part of the clause.

Mr. Dev Raj Sethi : It is absolutely relevant.

Mr. Speaker : It may be relevant but that clause has been rejected. What is now before the House is the clause as it stands.

Mr. Dev Raj Sethi : It is a general discussion of clause 3. So it is relevant. I am only talking of the mentality and attitude of the Government. That is why I referred to it.

If the Government were really anxious to alleviate the burden of the agriculturists, they would have readily accepted my amendment. But they are still insisting on exempting certain money-lending institutions from the operation of this Bill. They are not prepared to treat all banks alike. It is strange that when they quoted the example of Madras having wiped out all interest on the debts of the agriculturists they forgot to point out that in that province all creditors were treated alike.

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

Mr. Dev Raj Sethi : The clause refers to the rate of interest. The Madras Agricultural Indebtedness Relief Act also refers to rate of interest. What the Punjab Government is doing is tantamount to the annihilation of banking industry. With these words, Sir, I oppose the clause.

Mian Muhammad Nurullah (Lyallpur, Muhammadan, Rural) (*Urdu*) : Sir, I entirely dissociate myself from what Mr. Dev Raj Sethi has said. In fact this is the most important clause in the whole Bill. It would have been better if no exceptions had been made and no distinction made between

banks and banks. But if nothing more than what this clause promises is to be granted by the Government, then the minimum demand that one can make is that this clause must be passed. I, at least, shall not be satisfied with anything less than that. However if the other amendment that has been withdrawn just now were to be allowed, it would have been a half way house. But now this clause should be passed. That is all I had to say in this connection.

Lala Sita Ram (Trade Union, Labour), (*Urdu*) : Sir, I rise to oppose clause 3. My first objection against this clause is that whereas the Government had previously allowed the creditors to charge interest at the rate of 12½ per cent on secured debts, the clause under consideration seeks to reduce that rate to 7½ per cent only. Anyone who will charge more than that will be prosecuted. I am afraid this will ruin the trade of money-lenders. Secondly, granted that 7½ per cent is a sufficient rate of interest and any higher rate than this would be excessive, why are the co-operative societies and other big banks being exempted from the operation of this clause? This is an invidious distinction. The private money-lenders and the co-operative as well as other banks should be treated alike. Let there be a general principle and we would not raise any cry against that. But surely it is not fair to treat different banks differently. If any rate of interest higher than 7½ per cent is excessive for private money-lenders, it should also be considered as excessive for the co-operative societies and banks. Its effect on the poor agriculturists will be the same in both the cases. Why the Government does not realise this obvious fact is more than I can comprehend. When the agrarian measures were being sponsored by the Government, an assurance was given that only the dishonest money-lenders were to be weeded out and not the honest ones. It was further pointed out that if the money-lenders improved their ways and started banks on right lines, they would be offered every kind of facility. But far from giving them any facility, the Government has turned round with this measure to destroy their trade. Distinction is being drawn between banks that were already in existence and those that are established after 1937. If the only fear against the new banks is that they may not transfer their old debts into their regular bank books, then a specific clause against that sort of thing is already incorporated into this Bill. But do not harshly treat those new banks that are being established on your own assurances and suggestions. I had made a prophecy that even the joint stock companies with audited accounts will not escape the strict measures of the Government and the same is being done by the Government now. This Bill does not exempt even those banks that are being set up according to the regulations of the Government. In view of the competition of the banks, the Government should have offered facilities to the new banks, because the old ones with their old customers can very well stand the competition while the new banks cannot. But the Government is doing just the opposite. Old banks are being exempted from the purview of the Bill under consideration, and the growth of the new banks is being hindered by bringing them within the purview of this measure. Under the Indian Companies Act every bank, new or old, has to fulfil certain obligations in the shape of keeping a sufficient amount of money as its reserve, keeping a certain proportion always in hand submitting several returns to the Registrar now and then. But you are putting another high hurdle in

[L. Sita Ram.]

their way. This will all tell harshly on these new banks which will not be allowed to charge more than $7\frac{1}{2}$ per cent on their loans, while the old ones will be charging much higher rates. Who will in these circumstances go near the newly-established banks? My fears are that the Government by this measure is devising means to help some of their own members to wipe off all their old debts and may be the Government is out to crush some individuals.

Mr. Speaker : Please do not impute motives.

Lala Sita Ram : I do not fear calling a spade a spade, Sir. So far as my knowledge goes, there is one Lala Bolaki Ram, a money-lender of reputation and long-standing whom several members owe small or big sums of money. To be frank, I smell the rat when such members take their stand and begin to decry the money-lenders and their profession of money-lending. There can be no two inferences from all this. Certainly these members are seeking the shade of law to keep out of what is too hot. Do not misunderstand me. If you bring a really bad money-lender to task, I have all sympathy with you, but those money-lenders or banks who are quite prepared to follow the rules framed by the Government and to run their business honestly, should be provided facilities rather than put spoke in their wheel. Government may by all means frame stringent rules for the prevention of dishonesty, but not ruin the business. If the Government is prepared to apply the prescribed rate of interest uniformly to all the banks, then I am quite prepared to accept the clause. But as I have already stated nowadays even the big banks are not prepared to advance loans at 8 or 9 per cent against immovable property and the reasons for this state of affairs is that they possess liquid form of securities in ample quantity. As a matter of fact the banks think twice before they advance against property, because if the debtor fails to pay off his debt, much difficulty is experienced by them in realizing their money. Therefore they prefer to invest their funds on 5 or 6 per cent Government bonds or gilt-edged securities rather than sink them against property. Besides, they would readily advance loans against saleable commodities but never against the immovable brick and mortar. I, therefore, make bold to say that in view of similar difficulties which the money-lender has to face and the expenditure which he has to incur while making recoveries, he cannot loan out his money at the prescribed rate of interest against property. Now as the House is aware the function of a bank is to receive deposits as well as to advance loans. The money-lender gets loans from the bank at a certain rate of interest and then does his own banking business. It is obvious that he would naturally charge a higher rate of interest from his clients in order to eke out his living. But the restriction of prescribed rate of interest would greatly hamper his business. It would rather become well nigh impossible for him to charge $7\frac{1}{2}$ per cent rate of interest on a loan which he himself got from the bank at 6 per cent. So the whole position would resolve to this. No debtor, howsoever honest he may be, would be able to get a loan at $7\frac{1}{2}$ per cent rate of interest. Hence the object of the Bill, which is to afford relief to the debtor, would be nullified. (*Interruptions.*) It is a different matter that the Honourable Ministers

drawing fat salaries are in a happier position and they can raise loans at cheaper rates of interest. But we have to take into consideration the case of an ordinary person who possesses one or two small houses. He would certainly be hard pressed. He would not be able to raise any loan, because in the case of non-payment of debts, it cannot be recovered under the present Bill. Even if he succeeds in mortgaging it, nobody would lend him the requisite money at $7\frac{1}{2}$ per cent. But if Government have the satisfaction that they can so arrange matters that it would be possible for every needy person to obtain loans at a cheaper rate of interest, say 6 or 7 per cent then I have no objection to agreeing to the rate of interest as proposed in the Bill. But this is to talk of impossibilities. The Honourable Minister is in the habit of always making the remark that these measures are intended to benefit the debtor, but there is a limit to everything. The Government have already enacted several measures against the money-lenders. This is another attempt to stifle their business. Purge out what is bad, but pray do not kill everybody. The purgatory measures should not be carried so far as to weaken, nay strangle the banking business and trade. With these words I strongly oppose clause 3 of the Bill.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban): Sir, my objection is to the principle of discrimination that underlies this clause. This legislation has been undertaken ostensibly with a view to reduce the burden of the debtor. I for one cannot see how this object will be achieved by this legislation when certain institutions, banks, banking companies, co-operative societies and the rest of them will continue to be allowed to charge any rate of interest that they like. It is only a certain class of people in whose way you impose these restrictions, and give this legislation also a retrospective effect. In the other cases, you fix no limit as to the rate of interest and the question of giving retrospective effect to the legislation in their case does not arise. A court, in the case of one class of people, will consider the interest if it is more than $7\frac{1}{2}$ per cent to be excessive, and the same court in the case of a creditor of another class will not, under identical conditions, consider, that rate of interest to be excessive. I put it to you, therefore, in what way do you hope to benefit the debtor by passing this legislation? The thing is clear enough whether you admit it or not, that this is a class legislation. Your opposition to the inclusion of the insurance companies, those companies which have been registered under the Insurance Companies Act of 1938 under the proviso of this clause, which applies to Imperial Bank and other banks, takes the cat really out of the bag. It does say in effect, that you are against a certain class of people who carry on this money-lending business and it is because there is an urban tinge about them. This is the conclusion that I have arrived at. You do not want the insurance companies to be included because they are carried on by urbanites; otherwise I do not see, why they should not be allowed to go under this exception. The Honourable Premier was pleased to say that insurance companies did not do this money-lending business. I put it to him, does the Imperial Bank do this business? Is he aware that most of the other banks are not also making any advances against such properties? Sir, this is nothing but a class legislation. Is he not aware that European banks are not making any loans against property as they used to make a few years back? My position is that th

[S. S. Sardar Santokh Singh.]

real object of this Government is to oust a certain class of people from carrying on this business. That is their first and foremost object and nothing else. I had expected that after this discrimination was brought home to the Honourable Premier on the floor of this House by giving out facts and figures as has been done, he would be good enough to seriously take them into consideration and do something just to free himself from the charge of this discrimination. I am one of those who believed that there is some sense of political fairness still left in the Premier although to expect that from the Minister of Development was to hope against hope. It appears, however, that unfortunately the Honourable Premier in these matters is becoming as hopeless as his lieutenant the Honourable Minister of Development (*Hear, hear*). The Minister of Development tried to make a great point by saying that they get one hundred rupees from a debtor in the co-operative societies and give him credit for three hundred rupees.

Mr. Speaker : This matter has been discussed over and over again. I cannot allow a repetition of the arguments already given.

Sardar Sahib Sardar Santokh Singh : I was under the impression that no reply was given to him from this side of the House.

Mr. Speaker : I may inform the honourable member that discussion at this stage is strictly restricted to arguments which have not been advanced and matters which have not been discussed already. Repetition cannot be allowed.

Sardar Sahib Sardar Santokh Singh : My impression was that the Honourable Minister of Development said a certain thing and he was not given the reply. I might be wrong. I have no desire to repeat the arguments already advanced. I bow to your ruling. The Honourable Minister of Development made a really astonishing assertion when he said that to make up reserves in the co-operative societies the debtor *should be* charged a higher rate of interest. That was the sum and substance of his argument—that if debtors in co-operative societies are charged higher rates of interest, that should not matter because the amount received goes to their benefit in general. Now all the members forming a co-operative society are not debtors. There must be certain members of these co-operative societies who are only creditors. Let us suppose that there are twenty creditors and fifteen debtors. Does it not amount to this that you are charging these higher rates of interest for the benefit of these 20 creditors? The Honourable Minister is busy otherwise. He should have the sense of fairness to hear me. My point is that on the one hand they say that it is no sin to charge even a higher rate of interest from the debtor simply to build reserves for the benefit of the few creditors, on the other hand the same thing is considered to be a great sin, when even under an agreement a higher rate of interest is charged and when those cases go up to courts, they give courts the power of reducing those rates of interest which were agreed upon under the sanctity of contract. Of course sanctity of contract is perhaps a mere scrap of paper for the present Government. Distinction has been created between a bank and a bank and between a banking company and another banking company. Banking companies registered before a certain date, that is, 1st April, 1937, are to come under the proviso and not otherwise. The Honourable Premier was not in a position to cite even one case where

a banking company had been formed after the 1st of April, 1937. (*Interruptions.*) Not a single company was formed after 1st April, 1937. This is the information of my honourable friend Dr. Sir Gokul Chand Narang. (*Premier:* I said that I had not yet received any information.) Have you got the information now? May I ask whether he is not in a position to tell the House how many banking companies have been formed after 1st April, 1937? Can he tell us the number? Let him be kind and tell us the number. (*Premier:* I will be not only kind but give that information because it is of some interest but I will do so after my honourable friend has finished.) So that I may have no right of reply. My honourable friend Dr. Sir Gokul Chand here tells me that he has got the information that not a single banking company has been formed after the 1st April, 1937, and if that is so, I fail to understand why it should have been considered necessary to put a bar even on the joint stock enterprise in this province. The Honourable Premier cannot be unaware that the number of banking institutions in our country is unfortunately very small as compared with the number of banks and banking companies in foreign countries. I have not just now the exact figures before me but I feel pretty sure that while the number of banks and joint stock companies in this unfortunate country is just a few hundred—I think not more than 1,300 in all—in other countries it is tens of thousands and still the Government have taken it into their head to crush even the formation of joint stock companies. I do not know what their fears are, but I may tell them that all those fears are absolutely groundless. The formation of a banking company is not a very easy thing. My friends may know that these banking companies are required to keep cash in their own safes (apart from the cash in banks) to the extent of one-eighth of the amount of their total liabilities every week. They have not only to submit returns to the Director of Industries but also to the Reserve Bank of India, Bombay. Such are the conditions under which these banking companies can be formed and I really do not see why any further restrictions should be put in the way of the formation of these joint stock companies. Our present Ministry is in no mood to allow this business to be carried on by people who have got the misfortune to live in cities. I would not take more time of the House and I shall close with the words that this legislation will not do any benefit to the debtor and by fixing these arbitrary percentages of interest you will be compelling the debtors to pay by underhand means money in advance to the creditors when fixing the loans, to cover the excess interests. This will be the only effect of this legislation and nothing else.

Premier (The Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir, I do not want to take up much of the time of the House though I would like to make one or two observations. To begin with, I may point out that I have great sympathy for my honourable friend Mr. Dev Raj Sethi. (*Dr. Sir Gokul Chand Narang:* He is not a jat member.) That is why I pity him all the more. I think that when he rises to make a speech he has to face certain difficulties. He has to look to the point of view of his own party and that is most essential especially when rumours are afloat to the effect that some members of the Congress Party are showing signs of revolt. But after all how long can one conceal one's real feelings? I may tell my friend that he cannot hide his inner self however hard he may

{Premier.}

try to do so. And in fact the cat is now out of the bag and no amount of quibbling can help him. In the course of his speech to-day he stated that a formula was submitted to Government but it was not accepted. I may tell him that the formula in question was devised by my honourable friend Sir William Roberts, but I could not see eye to eye with him in this matter. I pointed out to him that if his friends were prepared to accept the formula I would also accept it though I could not agree to it. As a matter of fact I did not take that formula as correct. The reason was that I thought that the Imperial Bank of India could not in any way be compared with other banks which were springing up like mushrooms in the province. There is a vast difference between the Imperial Bank of India and other banks to which reference has been made by my honourable friends on the opposite benches which keep two kinds of registers, one for the income-tax officers and the other for their banking purposes. (*Interruptions.*) Even if that formula were to be accepted; what difference would it make? It would merely mean that the interest would be charged at the proposed rates with six-monthly rests. This shows that while we want to rid the debtors of the evil of compound interest the Congress party by insisting on retaining the six-monthly rests wants to continue it.

Sardar Sahib Sardar Santokh Singh : On a point of order, Sir. You have ruled that Mr. Sethi could not refer to a certain understanding. Is the Honourable Premier in order now in doing so?

Mr. Speaker : The Honourable Premier should not refer to that.

Premier : I only wanted to make it clear that what my honourable friend has stated does not make any difference. If there is any difference, it is this that whereas we have done away with the curse of compound interest the Congress party is sticking to it by proposing six-monthly rests.

Seth Sudarshan : This is a misrepresentation of the Congress view.

Mr. Speaker : I cannot allow advocacy of the Congress.

Premier : So this is the difference between my honourable friend and myself. (*Interruptions.*) I would request my honourable friends to listen to me with patience. I know that they can never brook a reply to the various points raised by them. The difference is this that, while you want to stick to compound interest we are striving to do away with this curse. If the attitude taken up by my honourable friend reflects the attitude of the Congress then I am constrained to remark that a party or an organisation which tolerates such a curse is itself accursed. It is not only the Congressites who subscribe to this view that I condemn; I think even worse of those members on this side of the House who take the same view. I am sorry to observe that in spite of my honourable friend's association with the Congress party he is still not very different from his friends of the money-lending classes. (*Interruptions.*) Sir, my friends are grieved at my association with prominent leaders of the Congress. Let me set their fears at rest that my meeting with their leaders and my attempts to assist them in composing their differences will not affect their livelihood in any way.

Mr. Speaker : Irrelevant. The Honourable Premier is requested to speak to the motion.

Premier : Again my honourable friends said that we were giving a set back to the trade and industry of this province. I submit that it was only to safeguard commercial interests that we excluded the scheduled banks and in spite of that we are being accused of deliberately aiming a blow at the trade and industry of our province. If we had not exempted these banks these gentlemen would have taken us to task for this omission, but now that we have done so and tried to safeguard the interests of trade and industry we are still being bombarded with all sorts of accusations.

My honourable friend Lala Sita Ram has tried to serve his constituency in a curious manner. He has advocated all the things which could prove most harmful to the poor labourers whom he represents. Just imagine an honourable member representing the labourers advocating the cause of the money-lenders. This is what they call political honesty.

Mr. Speaker : No personal allegations should be made.

Premier : I am sorry, Sir. Then my honourable friends said that a great injustice has been perpetrated by creating a distinction between one set of banks and another set of banks. And which were the banks for whom he was so solicitous? Let me inform the House that they belong to the same category as a recently opened bank in Lahore which belongs to one family of bankers. Many other banks have come into existence and they have already started to set the laws at naught by getting loans of individual money-lenders transferred to themselves. We have received an official list of these newly formed banks and other commercial houses, which have been registered after 25th July, 1938, i.e., after the enactment of the agrarian laws and this list is available for the use of honourable members.

The following companies were registered under Head I—

Banking Loan and Insurance (iii) Investment and Trust :—

Hindustan Mutual Aid Co., Ltd., Lahore on 25th July, 1938.

National Hire Purchase, Ltd., Lahore, on 8th October, 1938.

Mr. Dev Raj Sethi : How much deposits have these companies received?

Premier : I am not a managing agent of those companies. I have got this information and I am reading it out before the House. The honourable member can draw his own inference.

Dr. Sir Gokul Chand Narang : Public companies?

Premier : They were registered under the head "Banking Loan and Insurance, Investment and Trust."

Dr. Sir Gokul Chand Narang : The information I wanted from the Honourable Premier was whether any banking companies or banks have been registered with *sahukars* as their members.

Premier : My honourable friend is now trying to slip out and I will not allow him to do so.

Dr. Sir Gokul Chand Narang : Certainly not.

Mr. Speaker : If there is any doubt the reporter may be consulted.

Premier : These companies have been registered as public limited liability companies :—

Hindustan Mutual Aid Co., Ltd., on 25th July, 1938.

National Hire Purchase Ltd., on 8th October, 1938.

Hijaz Trading Co., Ltd., on 5th November, 1938.

Bholson Finance Ltd., on 18th March, 1939.

Commercial and Finance Trust Ltd., on 19th August, 1939.

Lakshmi Hire Purchase Ltd., on 2nd September, 1939.

These companies are registered under Head I Banking Loans and Insurance (iii) Investment and Trust. There are three other companies which have been registered under Head I Banking Loan and Insurance (i) Banking from July 1938, to date. They are—

Eastern Punjab Bank, Ltd., Ludhiana, on 9th February, 1939.

Lakshmi Commercial Bank, Ltd., Rawalpindi, on 8rd April, 1939.

Messrs. Bolakimal & Sons, Lahore, on 23rd April, 1939.

So, there are no less than 9 such concerns which have been registered and I wish them luck so long as they do not indulge in dishonest transactions.

4 P. M.

Mr. Speaker : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Mrs. Duni Chand (Lahore City, Women, General) : I beg to move—

That in sub-clause (a), part (i), lines 2-3, the words "all usufructuary mortgage and" be deleted.

Mr. Speaker : This amendment is out of order because if these words are omitted the whole clause becomes meaningless.

Lala Sita Ram : Sir, I beg to move—

That part (i) of sub-clause (a) be deleted.

Mr. Speaker : The amendment moved is—

That part (i) of sub-clause (a) be deleted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division General, Rural) : The amendment moved is that part (i) of sub-clause (a) be deleted. It is necessary to find sub-clause (a) in section 7 of the original Act.

Section 7 defines debt. It says :—

"Debt" includes all liabilities of a debtor in cash or in kind, secured or unsecured payable under a decree or order of a civil court, or otherwise, whether mature or not, but shall not include debts incurred for the purposes of trade, arrears of wages, land revenue or anything recoverable as an arrear of land revenue, or any debt which is barred by the law of limitation, or debts due to co-operative banks or to co-operative societies or to the Imperial Bank of India or to any banking company registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in India.

The proposal of the select committee wishes to include in this definition "the usufructuary mortgages". You will notice, again, that this is one of the innovations made by the select committee. In the original draft which is printed on the paper supplied to us there was no such amendment and the select committee have introduced this charge so that the word "debt" as defined in the Act will in future include all usufructuary mortgages also. A usufructuary mortgage is one when the mortgagor delivers possession of the mortgaged property to the mortgagee and authorises him to retain such possession until the payment of mortgage money, and to receive the rent or profits from the property in lieu of interest or partly in lieu of interest and partly in lieu of mortgage money. There is also a particular kind of usufructuary mortgage permissible under the Land Alienation Act, where by a usufruct of a number of years but not exceeding twenty, the entire principal and interest is discharged and the entire debt is wiped out.

Now the question is when a creditor, be he an agriculturist creditor or be he a non-agriculturist creditor, has come to a settlement with his debtor that he will not realise the debt by the filing of a suit or by the execution of a decree, but that by the usufruct of the land for a few years that entire debt will be liquidated, is it necessary that this arrangement should be allowed to be upset by the debt conciliation boards? The House would by this time have known at least that although this Indebtedness Relief Act appears to be one enactment, yet it really amends a large number of enactments and the present amendment has absolutely no connection with or relevancy to the discussion of the debates which have taken place with respect to the provisions of the Usurious Loans Act. Here the word "debt" is defined with reference to the use of the word "debt" as it occurs in the definition of "debtor", who can be compelled to appear before a debt conciliation board. A debt conciliation board has been given powers to bring about a settlement between debtors and creditors, that is, it has been given powers to reduce those debts and to give to the creditors a certain amount of the assets of the debtor which may be available for the creditor according to the present law. If a debtor has already parted with his property in favour of a person who is having possession of that property, should the conciliation board have the power to set aside that transfer or that mortgage? These usufructuary mortgages are not simple mortgages where the possession of the property has not passed. But when the possession of the property has been given to the mortgagee already, is it fair or is it equitable that this settlement which has already taken place between the debtor and the creditor be disturbed, it may be, at the instance and even in the interest of the unsecured creditors who advanced the money at a time when this man had no security to offer? If I know the Punjab conditions aright, my view is that this clause will hit the agriculturists much more than it would affect the non-agriculturists. As far as the non-agriculturists are concerned, it only affects, if it can affect at all—that is a matter not free from legal difficulties—the mustajari under the Land Alienation Act. Sir, it is quite clear that a usufructuary mortgage by a member of notified agricultural tribe in favour of a non-agriculturist is only possible for a period less than 20 years and the necessary condition of that mortgage is that within the period of 20 years the entire debt, both the principal and the interest, is to be wiped out. The Deputy Commissioner has further the power to

[R. B. Mukand Lal Puri.]

revise the mortgage and cut short the period. That is the only case where the non-agriculturist is affected. But we know that throughout the province there are thousands of usufructuary mortgages made by agriculturists in favour of agriculturists and in almost all cases those mortgages are such that interest is equivalent to the produce and the money stands good for ever. Now the effect of this new proposal made in the select committee is to place all usufructuary mortgages at the sweet will of three persons or a majority of them whom the Government has appointed as a debt conciliation board. There does not seem to be any justification for such a proposal except penalising a good and cautious creditor. The careful lender says, "I will give you money no doubt at a cheap rate inasmuch as I wish to see that the interest on the loan will not exceed the produce of the land, but I will only give you on security". He takes a mortgage, for instance, as is very often the case a poor retired officer or other public servant takes a mortgage for Rs. 200 or 500. He thinks it is a good investment. Subsequently the debtor borrows Rs. 100 without any security from another creditor, Rs. 200 from still another and Rs. 50 from a third. Now under the proposed change any of these creditors can go to the debt conciliation board and say, "kindly conciliate our debts; the debtor owes me Rs. 100, he owes this man Rs. 100 and he owes the third Rs. 200. He owns ten bighas of land which is under usufructuary mortgage since a long time for Rs. 200 say with Sir Sundar Singh Majithia"—I hope he will excuse me for using his name. The debt conciliation board, if this clause is accepted, has the power to say, "you leave the land, you have got a mortgage for Rs. 500 and there are other debts of Rs. 50, Rs. 100 and Rs. 200. The usufruct from this land should be divided amongst all these persons". It dispossesses the lawful transferee of the land and gives out the land on lease to somebody for the benefit of all the creditors, including the people who have advanced it at a time when they should not have advanced because he had no security to offer, whose transactions may in some cases be usurious and most inequitable. Further this does not help the debtor at all, it only helps careless and in some cases collusive creditors. Therefore I suggest that usufructuary mortgages should not be included. This is again one of those unthought of amendments which were hurriedly included in the select committee. I have tried to point out to the zamindar members of this House the risk that they are running in accepting an amendment of this type.

Dr. Sir Gokul Chand Narang (West Lahore Division, General Rural): When I saw this amendment introduced as it was done during the select committee proceedings, I was very much surprised and the first thing that occurred to me was and occurs to me now too is that probably some amendments during the select committee stage were introduced to cover and suit and help some individual cases. I need not go into details. I wish to leave that aspect of the question there. But I must say that the amendment is extremely unjustified. Those who understand what a usufructuary mortgage is would agree with me that any money due on a usufructuary mortgage is not a debt and it is most irregular and unfair to include any money due on a usufructuary mortgage in the definition of debt. A usufructuary mortgage, I maintain, is a settlement of a debt. It is the cancellation of a debt and not a continuation of a debt. This usufructuary

mortgage may be entered into in different ways. One is that a zamindar let us say, owes money to a sahuکار and the sahuکار wants payment of it. The zamindar is a *bhalamanas* and says "well I have not got any cash, I have not got anything else to give you, but I have got some spare land". (Interruption.) Was I wrong in saying what I said about the zamindars? The zamindar says I have not got anything to liquidate my debts, but I have got some land which I am prepared to give you. The sahuکار says I cannot take the land on mortgage, nor can I take it by sale. The zamindar says, all right, your debt is—let us say—Rs. 500 and the net income of the land is Rs. 50 a year. You get my land for ten years in lieu of the principal and also in lieu of the interest. You enjoy the usufruct or the produce of the land for ten years. Your money, Rs. 500, will be wiped off and not only the principal but also the interest would be wiped off. As soon as this arrangement is arrived at, the debt is settled. As soon as the mortgagee is put in possession, the debt ceases to exist and the document of the debt whether it is a promote or a bond is cancelled and for these ten years the mortgagee becomes for the time being the owner of that land in the same sense in which the zamindar debtor was. The debt has disappeared, the relationship between the zamindar and the sahuکار, borrower and the lender has ceased to exist. It has come to an end. This can be done in another way and that is this that a zamindar is recalcitrant, he does not pay. He has plenty of land but does not pay to the sahuکار who has to go to court and a decree is passed in favour of the sahuکار. The land is attached, it cannot be sold in execution, but under the law as it exists at present it can be attached, and it is open to the court to pass an order that in settlement of the decree this land may be transferred or a particular part of the land may be transferred to the decree-holder for a number of years, not exceeding 20 years, and that would wipe out the principal as well as the interest. This is the second form in which a usufructuary mortgage might be created. There is a third form and that is this that a zamindar actually wants money for a particular purpose. He does not owe it but he wants money for marrying his daughter or a son or for purchasing more land, may be in the colonies where the land is more profitable or for some such other necessity; he goes to a money-lender, may be a jat money-lender, a Kashmiri money-lender or may be a bania-money-lender. He says, "Look here, brother or friend, I want Rs. 500, I have so much land spare which I am not cultivating myself. I am prepared to give you that for ten years, if you give me Rs. 500 and you may enjoy it for ten years in lieu of the principal and also in lieu of the interest. That is also a sort of usufructuary mortgage. No question of debt is there. Considering all these things is it proper, is it consistent with the usual notions of law and with the usual connotation of debt, to include an asset like this within the definition of debt? My submission is that this is stretching the definition too far to a most improper length, unless of course it is intended to cover a particular case where some big person is a mortgagor and has mortgaged his land in this particular form and he wants again to get out of it and wants the help of an obliging conciliation board. But let us hope the Premier is above these considerations and the amendment does not owe its origin to any such consideration. But if this is not the case then I must submit there is absolutely no justification for including assets like this within the definition of a debt. It is like this, if I may illustrate the point. Supposing I want a house and instead of paying monthly rent

[Dr. Sir Gokul Chand Narang.]

I go to the house owner and say I take this house for five years. My son has joined the college and I want him to pass his M. A. in six years and I want the house for him. I give him servants and a motor car and all things and I want a house for him. The owner of the house says the rent of the house is Rs. 50 a month. I say, all right I pay you in advance the rent for six years, if you reduce the rent to Rs. 40. Money is calculated and the rent is paid to the owner and he gives possession of the house to me. Now will that be a debt? Is that a loan? Is that a proper subject for the conciliation boards to deal with? It is payment made in advance. There is absolutely no difference in essence between this arrangement about the house and a usufructuary mortgage about land and in both cases it would be unjust and improper to include such an arrangement in the definition of debt. I go further. A zamindar owes one hundred rupees to a sahukar. The sahukar wants his money back. He says, I am sorry I cannot give you one hundred rupees just now, but I have got a good *laveri* cow which gives 5 or 6 seers of milk every day and it is just fresh and it will last for a year. It will continue to give milk for a year and some cows are *dowarhi* they go on giving milk for two years. The sahukar says, all right I take the cow, I shall keep it for this *sua*, as we call it in Punjabi, and I will return the cow when the cow dries up. Both the parties agree. Now is this extinguishment of the debt or is it the continuation of the debt? The debt is extinguished. If the cow dies, the bania loses the debt and the debt is wiped out. The bania then cannot go back to the zamindar and say the cow has died, give me my one hundred rupees, or the cow on account of some disease has ceased to give milk, therefore give my Rs. 75 back, because the cow gave milk only for a few weeks. Such a claim would be absurd because the debt has ceased to exist.

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

He cannot now fall back upon the old debt. Take the case of a mare. A Jat says, I have got a mare. You can keep it for two years and let my one hundred rupees debt be wiped out. Is it now admissible to the zamindar or to the debtor to go to the conciliation board and say, I had given my cow to the sahukar for one *sua* but now you have been appointed by an obliging Government, you go into this question and say that now instead of one full *sua* three months use of the cow should be sufficient? That would be absurd. I really wonder how the absurdity of this addition could not be seen by the members of the select committee who agreed to this. It seems that the honourable ministers are quite self-satisfied and they do not want to hear what anybody on this side has to say. I have made the position clear and I leave it now to them to do whatever they like to do (*hear, hear*).

Mr. Deputy Speaker : The question is—

That part (i) of sub-clause (a) be deleted.

Premier : May I suggest that we proceed further on, because I propose to bring in an amendment with regard to this particular clause. It is being drafted by the Legal Remembrancer. I have suggested the lines and I suggest that we proceed further. We can come back to this later on. I therefore move—

That consideration of part (i) of clause (a) be postponed.

The motion was carried.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General, Urban): I beg to move—

That in sub-clause (b), part (ii), line 4, for the word "five" the word "two" be substituted.

I have already spoken on this subject when the circulation motion was before the House. I shall therefore not waste the time of the House by repeating the arguments that I advanced on that occasion. I asked the Honourable Minister for Development the purpose which underlies this provision. He said that there should be a limit beyond which if a person does not possess assets his property should not be attached. I again asked him why this principle does not apply to the collection of land revenue, because the principle must be the same. If it is a question of giving relief to the poor debtor whose circumstances do not permit his paying off either the principal or the interest because he has got very little property as his asset, then why not apply the same principle so far as the realisation of land revenue is concerned? He got up and tried to meet my point by saying that land revenue is the money due to Government. Government is the government of the people, so that any money recovered by way of land revenue was the money of the people; it belonged to the whole province or to society; and that therefore stringent measures should be taken to realise that land revenue. But the question is not whether the money belongs to a particular individual or it belongs to a society or to a particular government. The question is one of providing relief to the debtor. So far as providing of relief to the debtor is concerned, there are laws in many countries of the world including Germany where there is Nazi dictatorship. There is a particular limit set apart beyond which if a gentleman does not possess assets then his property is not attached even for the realisation of land revenues. Therefore the argument of the Minister for Development does not hold good in the present case whether the money belongs to an individual or to Government. He said that the Government was not a money-lender, that the money belonged to Government and so this principle should not apply to the realisation of land revenue.

So far as this point is concerned, there are two groups of opinions in this province and also in this House. One group suggests as was suggested by one of our honourable friends opposite the other day when he moved a resolution, that if the total assets of a person do not exceed Rs. 5,000 his property should not be liable to attachment. On that day the Honourable Premier gave an assurance that he would try to incorporate this principal somehow or other. It is in pursuance of that assurance that this amendment has been incorporated in the Bill in the select committee. On that occasion very fiery speeches were delivered by both sides. What we discovered then was that there was genuine and honest difference of opinion on the subject. We should forget our labels on this particular point. Why? Because it is now a question of affording relief to the non-agriculturist debtor. So there should be no imputing of motives so far as this is concerned, because so far as I have been able to gather from the point of view of the Independent Party they also are in favour of providing relief to the poor debtors, who are non-agriculturists. But the question is, whether this amendment is calculated in effect, in practice, to afford genuine relief to non-agriculturist debtors.

[Ch. K. G. Dutt.]

This is the only question, whether in our attempts to give him relief, we are not shaking the very foundation on which his business is based. According to the Independent Party it will seriously undermine urban credit. They honestly believe like that. Still on the other hand there is the Government Party that believes otherwise. We should take into account the very fundamental, the very important and the very vital question of affording relief to the non-agriculturist debtors. As a sort of compromise I suggest that we should accept the principle underlying this amendment. It has been incorporated by the select committee and in view of that compromise I have thought it desirable to move my amendment that in place of the limit of five thousand rupees, it should be two thousand rupees. I do not know whether the Independent Party will accept this. But I think we should make a start in this matter, so that tomorrow we may with justification ask the Government to apply this very principle to the agriculturists also whose assets do not go beyond a few acres in this province. There should be no distinction between an agriculturist and a non-agriculturist in this matter.

I had said earlier that the Honourable the Minister for Development was by some means trying to create a barrier between an agriculturist and a non-agriculturist. In fact I dealt with this matter at length the other day in the House that there is no conflict of interest between the non-agriculturist and the agriculturist as such. There can be a conflict of interest between the capitalist non-agriculturist and the proletarian non-agriculturist, between the agriculturist zamindar and the proletarian agriculturist, who is called "kisan". Why not apply that very principle to the agriculturists? Why is Government fighting shy to accept this principle? We are prepared to accept this principle. In fact we also moved a resolution or a Bill to this effect in this House. I do not remember clearly. We did move some such motion that certain limit should be placed on the land of the agriculturist below which land will not be attachable in any case. I appeal to the Independent Party, though there is a difference of opinion, let us have a compromise in the form of my amendment, and if at a certain stage we find that this amendment has been responsible for ruining the urban credit, we will be at liberty at any stage to have the law amended. I have expressed my views, they may or may not accept it. I do not want to waste the time of the House any more. So I move my amendment.

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

That in sub-clause (b), part (ii), line 4, for the word "five" the word "two" be substituted.

Rai Bahadur Mukand Lal Puri (Rawalpindi Division, General Rural): Sir, members of this House as well as outsiders cannot be blamed for confusing the issue, and showing such utter ignorance of the proposed legislation if the legislation which they are asked to pass is presented to them in such a confused manner. The amendment before the House is "in sub-clause (b), part (ii), line 4, for the word "five" the word "two" be substituted" and so on and it is not stated here to what words this amendment is being made. The effect of the amendment of the select committee is that in the definition of debtor, 'every person whose assets do not exceed five thousand rupees' should be included.

Now, the argument advanced by some members is that the legislature is giving relief to the agriculturists, so this clause has been inserted with a view to give relief to the non-agriculturists. If relief is to be given to any class, it should be given in the way of reduction of interest, as has already been done by the amendment of the Usurious Loans Act. It can be given by exemption of certain portion of property from attachment, as is provided in the amendment of the Civil Procedure Code, made by the Legislative Assembly at Delhi, that a salary of Rs. 100 is not liable to attachment. The relief can be given in so many other ways. What is being done by the present amendment is not to give any relief at all. What is being done is this that the jurisdiction of the debt conciliation boards, I say, the jurisdiction of the hated debt conciliation boards, is being extended over a class with whom they have nothing to do. The definition of debt as laid down in the Act of 1934 only applies to the debts of an agriculturist or to the debts of the village menials. The same definition occurs in the Madras Act, and this very same definition is to be found in the C. P. Act. A similar definition is to be found in all the Acts where debt conciliation boards have been constituted. The only effect of the present amendment is that all urban persons, persons entirely living in towns, are to be placed within the jurisdiction of debt conciliation boards. How far is such a state of affairs desirable? You have constituted debt conciliation boards in this province with a view to settle the rural debts. You have appointed to these boards persons from rural classes, persons who have experience of rural conditions. You have not constituted a separate debt conciliation board for any urban area. Are you going to place the disputes of urban people in the hands of persons who are not in any way connected with urban affairs and are not competent in any way to deal with urban matters?

We know the method on which these debt conciliation boards are constituted. There are no qualifications required of the members for appointment on these boards except this that they should be favourites of the Ministry and are supposed to have influence in rural areas. They have been given powers which are not possessed by any other judicial tribunal in the British Empire. Their judgments are not subject to any appeal or revision. They have now been given powers of adjudication. This would practically mean that these gentlemen, who are all appointed on party considerations, who are not appointed on account of any ability or capacity for conciliation or adjudication, would be in a position to exercise a vast amount of influence over urban population. That is not a method of giving any relief to the urban debtors. As far as relief to petty urban debtors is concerned, apart from other matters which are in the Civil Procedure Code, the Punjab Relief of Indebtedness Act itself contains a measure for summary insolvency of all persons whose assets do not exceed two thousand rupees. All that is necessary under the law is for him to go and put an application before the Insolvency Judge and it is provided that within six months he should be entitled to get a discharge without the necessity for anybody to prove his debts or without the necessity of any receiver being appointed. I do not wish to reiterate those arguments which I advanced on the last occasion to show the undesirability of placing these restrictions on the transactions of the urban people. What I wish to bring to the notice of the House is that the definition of the word "debtor" is here being

[R. B. Mukand Lal Puri.]

extended only for the purpose of debt conciliation boards. The only effect would be that persons living in towns who were hitherto not included within the definition of a debtor and whose transactions could not be regulated by the debt conciliation boards, will be placed under the jurisdiction of debt conciliation boards. I leave it to the experience of this House and to other people who had to do anything with these debt conciliation boards whether this extension of jurisdiction is likely to benefit either the debtors or the creditors living in urban areas, who might well exclaim "save us from our friends". In some parts of the country they are a veritable source of oppression. Very serious complaints are made against them and I have not the slightest doubt that they must have also reached the Honourable Minister of Development, and the Honourable Premier. Therefore under no circumstances, is such an extension of their jurisdiction, as is calculated to be brought about by this amendment, is called for.

Master Kabul Singh (Jullundur East, Sikh, Rural) (*Punjabi*): Sir, you are aware of the fact that there are some members who are exploiting the name of agriculturists. Similarly there are others who are exploiting the name of non-agriculturists. The result of this is that whenever mention is made of non-agriculturists it is taken to mean *sahukars*, while as a matter of fact that is not the case. There are many persons amongst the non-agriculturists who are labourers or clerks or petty shop-keepers and it is necessary that their properties should also be exempted from being attached or sold in execution of a decree. The amending Bill as it stands provides this relief only to those non-agriculturists whose total assets do not exceed five thousand rupees. In my opinion this limit is not sufficient and I would suggest that instead of the word "five" the word "seven" be substituted. (*Hear, hear from the Treasury Benches*). All the honourable members are fully aware of the fact that in cities the value of land is very high as compared to land elsewhere. Clerks and other people of small means who live in the cities generally build houses in the city proper. It is not conceivable that they would be going six miles away from the city to build a house. I may submit that even ordinary houses in the cities are worth Rs. 5,000. In the circumstances the limit that has been provided in the Bill is not just.

Besides, I may point out that the old adage that the poorer the people the more children they have aptly applies to clerks and others of small means. Moreover, these people have to send their children to school and in the cities the fees are higher as compared to rural areas. If the *sahukars* are permitted to get the houses of such people auctioned in the execution of a decree that would be tantamount to rendering such persons and their children homeless. I warn the honourable members that they should not be misled by the apparent good condition of the clothes of clerks and others of small means. As a matter of fact they are forced to keep up appearances, but in reality their condition is worse than that of the labourers. It behoves us that some sort of protection should be afforded to those people. (*Hear, hear from the Treasury Benches*). Their interests demand that we should increase this limit from Rs. 5,000 to Rs. 7,000. I warn the honourable members that if we do not provide this protection to the non-agriculturists we will, as a matter of fact, be simply increasing the number of the unemployed. If the houses of poor people are allowed to be attached in execution

of decrees that would mean our leaving these poor people and their children to the mercy of the towns people. In the villages at least people have some sympathy for their brethren who get into difficulties, but in the cities it is impossible to expect such consideration from the urban people. The reason for this is that they have not even sufficient room for themselves and, therefore, they cannot show any generosity. In the circumstances, I suggest that instead of the word "five" the word "seven" be substituted in the sub-clause under consideration.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (*Urdu*): Sir, my honourable friend Master Kabul Singh has expressed his point of view with regard to the amendment that has been moved by Chaudhri Krishna Gopal Dutt. At the very outset I must admit that this question is a disputable one. In this connection I may point out that in the beginning this question was brought forward in the House in the shape of a resolution by Tika Jagjit Singh Bedi and it remained for two or three months before the public. Whenever we went out of Lahore we found that opinion was divided about that resolution. Some people were pleased over the introduction of such a resolution and they eagerly inquired from the members of Assembly as to when this resolution would be passed. On the other hand, there were others who were taken by surprise and expressed their anxiety about it. I may add that when the amending Bill was moved, this clause was not included in it but it was added afterwards as a result of an afterthought. But if we study the report of the select committee and the amendment of my honourable friend Chaudhri Krishna Gopal Dutt together, we will find that the definition of the debtor runs as follows—

"Debtor" means a person who owes a debt and—

- (i) who both earns his livelihood mainly by agriculture and is either a landowner, or tenant of agricultural land, or a servant of a landowner, or a tenant of agricultural land, or
- (ii) who earns his livelihood as a village menial paid in cash or kind for work connected with agriculture.

Premier: The House knows what a debtor means, but the question is whether the urban people should be included in this definition or not.

5 p.m.

Mr. Dev Raj Sethi: We will presently come to that. It further lays down, "or where the total assets do not exceed Rs. 5,000." If the third part is read along with the first two parts, it will be clear that this applies to urban population.

Now, Mr. Deputy Speaker, this is a question on which there cannot be two opinions. Every one in the Punjab who earns his living by the sweat of his brow must be left with some such property as would be inalienable. In many cases the financial condition of a person is not improved in spite of his hard labour, or else he cannot owing to the economic conditions of the day get work although he wants to work hard. A person in whatever environs he may be, whether urban or rural, has a right to have certain net assets. Now the question as to the amount of these net assets is a matter on which opinions may differ. This depends upon the circumstances in which

[Mr. Dev Raj Sethi.]

the person is living or else it may depend upon the conditions in the province. A suggestion has been made to the effect that the total assets of a person may be fixed at Rs. 5,000. But the question worth considering here is as to what percentage of the rural or urban population possess total assets worth more than Rs. 5,000. I have not looked up the facts and figures in this connection, but I presume that only 10 per cent of the population of this province is in a position to have total assets valued at more than Rs. 5,000. There are some whose total assets are only Rs. 5,000 and their son has somehow or other received education up to the F.A. or B.A. standard. Now as it is very difficult to get any employment in these days he would naturally have to do some sort of business. But if according to this Bill the property of a person, whose total assets are not worth more than Rs. 5,000, cannot be attached, how can he get credit in the market? Will this law be a boon or a curse in his case? Does not this Bill debar the remaining 90 per cent of the population of this province from entering into any business by taking away from them the opportunity of getting credit in the market? We should not be affected by the light-hearted manner of the Honourable Premier but should dispassionately consider that whereas it is no doubt the duty of every civilized society to make laws for reducing the indebtedness of its members, it is also incumbent upon it to see that they do not at the same time adversely affect the other sections. It is no doubt true that all the people do not borrow money for business purposes alone, but mostly it is in order to meet some dire necessity that they have to incur debts. Leaving the big businessmen running mammoth establishments in important cities alone, if we go to small towns and villages we will find that the shopkeepers have invested Rs. 500 of their own and have borrowed Rs. 1,000 from some friend or money-lender in order to run their business. But if this Bill is passed into law they will not be able to get credit because no one, be he a friend or a money-lender, will advance a loan without any security. Now I urge upon the Government to seriously consider whether the acceptance of this amendment will affect the net balance of a Punjabi on the credit side or the debit side. The Punjab as is a well-known fact is composed essentially of middle class people and does not, like the United Provinces, contain in its population only the very rich or the very poor elements. Only ten per cent. of the population of our province have total assets worth more than Rs. 5,000 and the remaining 90 per cent are those whose total assets range below that figure and yet they are making their living on the security of their property by adopting medical, legal or business professions. Are you not going to make it difficult for them to earn a decent living by trying to pass this amending Bill? There is besides this, another important point to be borne in mind in this connection. Most people are debtors not because of the debts which they themselves incurred but because of their parents having left a legacy of debt behind them. In such cases the amount has more often than not been paid many times over, and they deserve all our sympathy. It is, therefore, meet and just to seriously consider their cases.

Then we come to another very important matter, and it is this. How are the total assets of a person to be verified? Who will be competent to decide the question of the total assets of a person? Is the matter to be left

in the hands of the conciliation boards, who were brought into existence for a very different object than the one they are serving in actual practice? Are we not hurling the poor debtors into a dangerous abyss instead of giving relief to them? Does our five years' experience of the working of conciliation boards justify this action on our part? It is often stated on behalf of the Government that one out of the three members of the board is a representative of the creditors, but may I know whose appointed servant he is and who has nominated him?

It is a matter of common knowledge that whenever a conciliation board is to be constituted in a district there is a swarm of the henchmen of the Ministers and the Unionist party making frantic efforts to get themselves appointed members of the board. These people have no judicial experience and that is why justice finds no place in the sphere of their activities. My contention is that not even 5 per cent of these sycophants possess any judicial experience. Certain retired officials whose whole career has been a long chain of corruption become members of the board and are entrusted with the duty of administering justice between man and man. What sympathy can they have for the poor people and what sense of justice can you expect them to observe in the performance of their duties? It may be said that no human institution can be perfect and absolutely free from any defects whatever. But my submission is that now you have had an experience extending to no less than five years. You should utilize this experience and appoint only such persons to be members of these boards as have got experience of administering civil law and can keep the scales even between the parties. If you cannot find sufficient number of people with such experience let there be only one member of the board instead of three. I will have no objection to that. Our complaint is that although the plea is to help the poor debtors these boards are constituted with a view to advancing party interests. I ask the Honourable Premier whether under such circumstances any board can be expected to stick to the requirements of unadulterated and pure justice. I would, therefore, request the Government to get rid of sentimental bias and accept this amendment so that it may be possible to remove the various flaws and defects in this measure.

Parliamentary Secretary (Mir Maqbool Mahmood) (*Urdu*): Sir, the amendment under consideration has thoroughly exposed the mentality of those members of the Congress Party who have spoken on it. I must admit that I did not expect them to adopt such an attitude. By their speeches they have seriously lowered the Punjab Congress in the estimation of every reasonable person. All the speeches except the one made by my honourable friend Master Kabul Singh disclose the same mentality as is apparent from the note of dissent appended to the report of the select committee under the signatures of the members of the Congress Party. Now let us examine the implication of their suggestions and remarks. There is a proposal to amend section 37 of the Relief of Indebtedness Act to the effect that if it is proved to the satisfaction of the court that the creditor has made a wrong entry showing the amount of the sum advanced in excess of that actually advanced *plus* legitimate expenses incurred, the court shall disallow the whole claim with costs. The honourable members of the Congress Party say in their note of dissent that 'the proposed amendment will be unfair. The section as at present worded is sufficient enough to meet the

[Mir Maqbool Mahmood.]

ends of justice.' This remark speaks for itself and I need not dilate on it at any length.

As regards the amendment under consideration, I would submit that to understand its implications, clause 7 of the Act of 1934 has to be read with clause 11. These clauses read together will show that although the term "debtor" is to include a person whose total assets do not exceed five thousand rupees, yet clause 11 lays down that an application whether made by a debtor or a creditor is to contain a statement that the debtor is unable to pay his debts. This should make it clear to the meanest imagination that this provision will benefit not all the debtors whose assets do not exceed five thousand rupees but only those who are unable to pay their debts. My submission is that there is no *zulm* in affording relief to those who cannot pay their debts, whether their assets are five thousand or two thousand rupees. On the contrary, it will be a flagrant *zulm* and dereliction of duty not to afford such relief. Now as regards section 30, the sum and substance of it is that if it is proved that a creditor has recovered an amount in excess of what was due to him he shall have to refund it. Now this is a principle to which no honest and reasonable person can take the least objection. Under these circumstances, the amendment moved by my honourable friends opposite can serve no purpose but to help and encourage the dishonest money-lenders.

My honourable friends Rai Bahadur Mukand Lal Puri and Mr. Dev Raj Sethi have said that the conciliation boards function on party lines and that, therefore, they cannot be expected to do justice to all the parties concerned and have forfeited the confidence of the creditor class. Sir, I can assert without fear of contradiction that this accusation is not borne out by facts. On the contrary I congratulate the Honourable Minister concerned on having constituted these boards in such a manner that full justice is being done to both creditors and debtors. As regards their work these boards have been instrumental in the settlement of debts to the extent of Rs. 19,00,000 up to the 31st December, 1939. I may also inform my friends that most of the applications received by these boards were from the creditors. Thus it is not correct to say that these boards are not functioning properly or that they do not inspire confidence. The working of these boards has shown beyond a shadow of doubt that they have proved a boon to the people for which the latter owe a debt of gratitude to the Government.

Then Rai Bahadur Mukand Lal Puri was pleased to remark that the Government is investing the debt conciliation boards with powers to wipe out all debts. He is not now present in the House. Otherwise I would have requested him to consider the relative provisions dispassionately. So far as the definition of 'debt' and 'debtor' is concerned the boards have not been given a free hand. They have to work under the restrictions laid down in clause 7 which have to be observed very strictly. Originally the provisions stood in a form in which there could be some scope for such an apprehension. But the Honourable Premier, who as representative of the whole province, always keeps in view the interests of all sections of people, wanted the select committee to restrict the finality of the orders of the boards up to Rs. 500 only. In the case of suits involving larger amounts an appeal shall lie to the collector, a sub-judge or a magistrate of the 1st class, whoever

may be empowered in this regard. On appeal the decisions of the boards can be subjected to the minutest scrutiny. Therefore, it is absolutely wrong to say that the Government is giving too wide and unreasonable powers to these boards.

With regard to the complaint that the boards are constituted on party lines I may point out that in Congress provinces like the United Provinces honorary magistrates were appointed on the recommendations of committees of the Provincial Congress. I am not objecting to that practice. My only object is to draw your attention to the procedure adopted in those provinces. Then in the United States of America the whole judicial system is based on party lines. But we can claim that here in the Punjab the Honourable Minister has dealt fairly with all sections and parties. (*Hear, hear*).

My honourable friend Chaudhri Krisbna Gopal Dutt employed his talents to raise a curious point. He said that if the Government was anxious to make an exemption in favour of those whose assets did not exceed five thousand rupees it should also exempt such persons from liability to imprisonment for non-payment of land revenue. In reply to this point I would refer him to the action of the Madras Premier, the Honourable Mr. Rajagopalachariar, who exempted all Government dues from the application of his Agricultural Debt Relief Act. Let me once more make it clear that I am in no way objecting to what the Honourable Premier of Madras has done. On the contrary I am of the opinion that it was the only right thing to do.

Again, my honourable friend Mr. Dev Raj Sethi, accused the Government of destroying all credit in the province and directing all its activities to the benefit of one section of the people alone. I might draw his attention to the fact that in 1934, when the Relief of Indebtedness Bill was under consideration my honourable friend Sardar Sampuran Singh complained that it was thoroughly unjust on the part of the Government to deprive the non-agriculturist and trader classes of the benefits of the measure. Now that we want to remove that complaint you are raising a hue and cry. That is not fair. We want to extend these benefits to the urban debtors and scheduled castes, and anybody who objects to this laudable attempt should be ashamed of himself. This law will be so beneficial to the urban population and the depressed classes that they will always remember this action of the Government with feelings of sincere gratitude. With these words I oppose the amendment.

Sardar Sahib Sardar Santokh Singh (Eastern Towns, Sikh, Urban) : Sir, when the Bill was originally before the House there was no mention of any such clause as this. It is there now as if sense has dawned on these gentlemen after they had brought in their original Bill. In the next place, at the time when the resolution of my honourable friend, Tikka Jagjit Singh was discussed in this House, the Honourable Premier was pleased to say on the floor of this House that the criticism levelled against the resolution would be given serious thought to by him. But to-day what do we find? He seems to be as hard as steel and seems to think probably that what he said then was wrong. There may be two opinions so far as the question of scaling down of debts and the means that are to be employed thereunder, are concerned. But I think in a matter of this kind there cannot be two opinions. If considered seriously and impartially, there cannot but be only

[S. S. Sardar Santokh Singh.]

one opinion in regard to this matter. Some of my honourable friends seem to think as if loan can be had for the mere asking of it. They believe that anybody has got to go to a creditor and get what he wants, little realising that while there are people who are able to get a loan of lakhs, there are others who are able to get in a few thousands, and still others who are able to get a loan of a few hundreds and there may be others who will not be able to get a single pie in spite of their best efforts. What does the creditor do? When he wants to give a loan what does he keep in mind? Obviously the ability or the capacity of the debtor to pay back. I ask you in all seriousness, are you going to increase the capacity of the debtor to pay back the debt by means of this legislation? You make bold assertions that you are doing your very best to save for the poor man his house, a very laudable idea indeed, if that could be achieved by this legislation. But you do not seem to realise that by this legislation you will not save the poor man his house. On the contrary, you will be compelling him to mortgage his house or sell it which he might have otherwise been able to keep for himself for years if you had not passed this legislation. You have to make allowance for the conditions of trade as they exist in the cities. You ought to know that there are very small traders in the cities, people who live on small credit in the shape of trade loans. When the creditor finds that the house of the debtor even if his total assets are worth Rs. 4,999, cannot be touched, can you expect him to give even a loan of Rs. 100 or 200 in the shape of trade loan to him? What will be the situation then? You cannot carry on trade in cities on cash system alone. It is absolutely impossible. It cannot be done in a poor country like India. You cannot have the whole thing on cash system. So what is the alternative left to the poor man? He has got to live; he has got to feed his children. How is he to find his bread and butter? He cannot get credit. Nobody gives him any credit. You compel him to mortgage or sell the very house which you want to save for him. So you will not be assisting him by means of this legislation to keep his house for himself, but on the contrary you will be compelling him to sell this very house or mortgage it and use the money for the purpose of carrying on that small trade of his. Another thing is that the determination of the fact, whether the assets are worth Rs. 5,000 or not, will very much increase litigation. You will make that poor man spend money on litigation. The debtor will go to the court or the debt conciliation board and say that his total assets do not exceed Rs. 5,000 and the creditor will say that the assets are worth much more. Thus the litigation ensues. The debtor and the creditor will both go to the surveyor or the engineer, to make them depose in their respective favour. This will open the way to corruption, as a direct result of the passing of this legislation, to the detriment both of the creditors and the debtors. You should not have hurriedly brought in this legislation if you had in the least benefited by the criticism levelled, when that resolution was under consideration. If you cause enquiries to be made from the insolvency courts, you will know the true state of affairs. You would have found out from them how many people had come to the insolvency courts whose total liabilities did not exceed Rs. 5,000. I feel sure, although I have not got any data before me but with the practical experience that I have of these things I feel sure, that 80 to 85 per cent

of these insolvency applications are for amounts which are less than Rs. 5,000. Knowing as we do the situation, knowing as we do the average income per day of the poor people, knowing that there are very few even in the cities who possess total assets of more than Rs. 5,000, in whose interests, I ask, have you brought this legislation? It will tend to deprive the poor man of his means of livelihood, it will tend to deprive him of any credit that he could raise in the shape of trade loans. That would be the effect of this legislation. Well, Sir, here in this House everything is being talked of from the point of view of agriculturists *versus* non-agriculturists or creditor *versus* the debtor. It appears to me that according to the ideas of these gentlemen, sitting on Government benches, honesty has become the monopoly of the debtors and debtors alone, as if creditors to the last man are dishonest. My honourable friend Mir Maqbool Mahmood was very loud in his assertion—

درخوا-تین بڑھتی جانی ہیں اور creditors کی کون سنے

Little did he realise that the increase in the number of applications before the debt conciliation boards was solely due to the fear of the new legislation that you were bringing up every day. The creditors are content with what they can get and with this end in view they go to conciliation boards and not because they have faith in their honesty, integrity or efficiency. This is the situation. You have really made things so bad. You have reduced the creditors to such a pitiable state that they think چاندے چور دی لنگوٹی ہی ہے and accept whatever is offered. This is exactly the situation that you have brought about in this province. I tell you in all seriousness that the class whom you want to protect by this legislation will not be benefited thereby. You are shutting the doors of their livelihood and I feel sure those very classes whom you profess to protect will be the first to feel that you have deprived them by this Bill of the very means of their livelihood.

Premier : Question be now put.

Dr. Sir Gokul Chand Narang : Are you moving this closure motion?

Mr. Deputy Speaker : Question is—

That the question be now put.

The motion was carried.

Chaudhri Krishna Gopal Dutt : Mr. Deputy Speaker, it was a great pleasure to hear our honourable friend Mir Maqbool Mahmood after such a long time.

Premier : Do not speak like Hamlet, speak a little louder.

Chaudhri Krishna Gopal Dutt : As I said at the very outset, while the aims and objects of this particular amendment of the Government as well as the Congress Party were similar, the only difference was in regard to the limit. But, Sir, the speech delivered by my honourable friend Mir Maqbool Mahmood was rather provoking and I had a mind to give him and his friends and his chief a bit of my mind also, but I have resisted that temptation and now I am going to put my reactions to his speech in as mild a language as possible. Mr. Deputy Speaker, I consider it rather politically immoral on the part of the Honourable Premier and his friends to have applauded the speech of my honourable friend Sardar Kabul Singh while in fact they were not prepared to accept his suggestion. They have exploited the fact that there have been and there are honest and genuine differences of

[Ch. K. G. Dutt.]

opinion on this side of the House on this subject, but they should have thought ten times before appreciating the spirit underlying the amendment of my honourable friend Sardar Kabul Singh, before they gave expression to the views which my honourable friend Mir Maqbool Mahmood has expressed. He said that the difference of opinion as exhibited by Master Kabul Singh revealed a particular mentality. Thereby he dubbed in effect some of us as representatives of the capitalists and Master Kabul Singh and men of his thought as representatives of the poor people, as representatives of the proletariat. I assure them I have got my honest differences of opinion on this subject even with Sardar Kabul Singh and I make bold to say that although one particular member of the House has been able to win the applause of some of the members of the Government, for me sometimes it is a pleasure not to have any applause from any side of the House, because I consider that a man who takes an independent view of things does not meet with the approval of any section of the House. My honourable friend Mir Maqbool Mahmood had a fling at the Congress Party and at the Congress Organization in this province. He is a student of political science, therefore in all earnestness may I draw his attention to the fact that there are some very distinguished and well-known writers on party system of Government? I was, Sir, a student when I read a book on party system of Government by Ostergorsky. I was so much impressed by that book that all along my life I have tried to follow that book. It was written in that book that sometimes on certain occasions the party system is a curse, because it does not lead to healthy development of political and economic ideas. Sometimes there is the tyranny of the party system, sometimes there is the tyranny of the majority as well as of the minority and there it has been held that if a man has the courage and the hardihood to get up and give expression to his independent views he should not be decried and they are in fact not decried by independent people. Can you find any reconciliation in the two attitudes taken up by the Government? On the one hand they are not prepared to accept the amendment moved by my honourable friend Sardar Kabul Singh and on the other hand they have applauded him and also exploited his speech in order to condemn us. This is a very inconsistent attitude to take. They have exploited the situation. Supposing for instance I also follow in their footsteps and exploit the situation in this respect by saying that here are my honourable friends who are prepared to put the limit at Rs. 5,000 but not at Rs. 7,000, while my friend puts the limit at Rs. 7,000 they are not prepared to do so. Does it follow from this that Master Kabul Singh is a greater well-wisher of the poor?

Khan Bahadur Nawab Muzaffar Khan : Do you support him ?

Chaudhri Krishna Gopal Dutt : You should let us first know your attitude whether you support him or not. I am not applauding Master Kabul Singh. It is they that applaud him and so the inconsistency is on their part and not on mine. I regret that in this House irresponsible speeches have been made simply to play to the gallery, to the so-called agriculturists, to the so-called poor people and no attention has been paid to the facts of the situation, to the economic factors operating in this province and to the conditions of the money market prevailing in the province and to the hardship which a debtor has to experience

when asking for a loan. Even before, irresponsible speeches have been made and even to-day irresponsible speeches have been made. There is a limit to irresponsibility. Without regard to the facts of the situation honourable members have given expression to opinions which are out of consonance with the economic conditions prevailing in the province. That is my honest opinion about it.

Now, I would draw your attention, Mr. Deputy Speaker, to the fact that I originally did not oppose the idea underlying the amendment proposed by the select committee. My honourable friend, Mir Maqbool Mahmood, before he had the audacity to condemn us, had not taken account of this factor that we are not opposed to the principle of the Bill. I have my differences with the Independent Party; I have my differences with the Unionist Party and I have my difference with Master Kabul Singh. But so far as the principle underlying this Bill is concerned, Mr. Dev Raj Sethi and I have accepted it. Not only that, I would draw your attention to another important fact. When this resolution came before this House, Sardar Sohan Singh Josh who is a communist of communists and who is an agriculturist himself, moved an amendment to that resolution suggesting that the limit instead of being Rs. 5,000 should be Rs. 1,000. Would the House dub him as representative of capitalists? I went one step further and instead of accepting Sardar Sohan Singh Josh's figure of Rs. 1,000, I moved an amendment suggesting the figure Rs. 2,000. So, there is no question of any charge of capitalism against those members who are proposing the amendment fixing the limit at Rs. 2,000 instead of Rs. 5,000. Much has been said on this subject to-day and also some days ago and, therefore, I do not propose to waste the precious time of the House by making any more remarks. With these words I press my amendment in spite of the remarks made by Master Kabul Singh.

Premier : I am afraid I have not followed the speech of my honourable friend who cited Oscar Wilde or some such author. I do not know whether he was protesting against the amendment made by the select committee or the amendment moved by his friend Master Kabul Singh. But I have only two or three small points to make clear. One is that so far as this particular provision in the Bill is concerned, as pointed out by my honourable friend opposite, it was introduced in pursuance of an undertaking which I gave to Tikka Jagjit Singh when he moved his resolution. My honourable friends on those benches may not be aware, or even if they are aware perhaps they can afford to ignore it, but my friends on this side of the House will bear me out that there has been strong and persistent demand from the poor classes of the urban areas for some kind of relief just as we have provided for the agriculturist classes. My honourable friends have tried to be little that demand by saying that we are doing some great harm to those people. Sardar Santokh Singh said that this provision would do great injury to those people, and that they would curse me because I have introduced this provision in the Bill. He said that if we had retained the original words of the Bill, these people might have been able to keep their houses for some years and by this provision we are driving them to sell or mortgage their houses. His sympathies are just like those of the boa constrictor which attracts its prey, but does not swallow it all at once, but swallows gradually and then releases its coils gradually. That is the kind of sympathy which

[Premier.]

my honourable friend wants to show to these people. Our intention is to save these people from such boa constrictors. I might also point out to him that if he takes a long view of the question he will probably find that it is in his interest also to have this provision, because if you kill the goose that lays the golden eggs no more golden eggs will be forthcoming. These poor people must remain there so that you can continue to exploit them which you cannot do if you turn them out of their houses. I may also assure my honourable friends that if I had the slightest doubt that these people would resent any such provision for giving relief to them, I am not so foolish, nor are my friends on this side so foolish, as to give offence to our poor friends in the city. We are by this provision giving only a slight protection to them, not complete protection. We are not in any way trying to destroy their credit. They will be at liberty to mortgage or sell their houses as before if they want to do so. It will be observed that we have specifically exempted mortgages of property from attachment. The only thing that we have done is to exempt one residential house of all persons, whether agriculturists or non-agriculturists, from attachment.

Again Sardar Santokh Singh has probably forgotten the section of the Act in which it is clearly laid down that there are two other conditions which a debtor must fulfil before he can go to a conciliation board. One is, as pointed out by Mir Maqbool Mahmood, that he is incapable of paying his debts. Then only will he be able to go to a conciliation board. It is not enough that he possesses a house. I may possess a house worth Rs. 5,000 or Rs. 10,000 or even Rs. 20,000 or for the matter of that only Rs. 2,000. But this alone will not enable me to go to the conciliation board unless I certify that I cannot pay the debtor, that it is not possible for me to pay off my debts. In that case even from the point of view of the Opposition it would be advisable that some rapid adjudication of the debt is made by some agency which will make him solvent, and capable of being exploited again.

Dr. Sir Gokul Chand Narang : May I ask the Honourable Premier if he is prepared for a compromise ? There is an amendment that Rs. 2,000 be substituted for Rs. 5,000. Is he inclined to accept that amendment ?

Premier : I am just coming to that point. It was suggested by one of my honourable friends that we had no facts before us. As a matter of fact, ever since we came into office, this question of giving relief to the poor classes of urban areas has been prominently before us and we have been thinking of various devices by which this could be achieved and we have come to the conclusion that the provision made in this Bill is one way. Possibly we may have to give further relief in some other shape. But that we will do later on. I need not dilate on that point any further, but I may point out to my honourable friends, Sardar Santokh Singh and Mr. Dev Raj Sethi, who were afraid that this would adversely affect trade, that trade debts are already excluded from the scope of this Bill. If you see the main Act you will observe that debts incurred for trade purposes are already excluded. That I hope will satisfy my honourable friends. This kind of debt has been specifically excluded from the scope of the Act at the request of honourable friends who like my honourable friends here did not want to affect trade. I think the apprehensions of my friends are now removed and I need not take the time of the House any longer on this subject.

The reasonableness of the motion which we have suggested is obvious from the fact that even from the Congress Party two amendments have been tabled. I am not imputing any motives. It is quite possible that my honourable friend Chaudhri Krishna Gopal Dutt believes, genuinely believes, that anybody who is in possession of two thousand rupees is a rich man; on the other hand, Sardar Kabul Singh wants to fix the amount at seven thousand rupees. Before these honourable gentlemen had had time to think, we had fixed a very judicious figure, between two thousand rupees and seven thousand rupees, namely five thousand rupees. (*Cheers*). It is quite clear that we gave a very careful consideration before we fixed that amount. If my honourable friends will also compromise between these two figures, they will also come to the same figure, namely five thousand rupees. So, I accept their amendment jointly combined. I have taken the mean average between two thousand and seven thousand, that is, five thousand.

Then there is another matter. Sometime ago I requested you to postpone discussion on the amendment to sub-clause (a) (i). I am prepared to accept the amendment of any honourable friend opposite for the deletion of these words.

Mr. Deputy Speaker : The question is—

That in sub-clause (b), part (ii), line 4, for the word "five" the word "two" be substituted.

The motion was lost.

Mr. Deputy Speaker : The question is—

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

The motion was lost.

Dr. Sir Gokul Chand Narang (West Lahore Division, General, Rural) : Sir, now I shall take up clause 4 as a whole and say a few words in reply to what my honourable friend Mir Maqbool Mahmood and the Honourable Premier have said. I thought the Honourable Premier would accept the amendment moved by my honourable friend Chaudhri Krishna Gopal Dutt. It may be that the large number of complaints which he received from the urban debtors did not move him to accept that amendment. I really say at once that I also know that there are some people who are not agriculturists who would like also to have the same concession at the hands of the Government which have been shown to the agriculturists. But they are really the people who take into consideration only their personal cases. I know that there are hard cases. I myself remember at least one instance in which I received a letter from a member of trading classes complaining against the 'rapacity' of *sahukars* who would not leave even their houses to them after they had obtained a decree. There may be many such instances but as a lawyer you would know and my honourable friend Mir Maqbool Mahmood should also know that hard cases sometimes make bad law. We are not here to consider individual cases. The Government may take into consideration individual cases when framing certain Bills or making amendments but we are here to take into consideration everything on its own merits, how it would affect a class. This amendment may benefit a number of people.

6 p.m.

[Dr. Sir Gokul Chand Narang.]

Their number may be fairly large. There may be hundreds of such cases but we are dealing here with the whole community and we are convinced—and I think Sardar Sahib Sardar Santokh Singh was perfectly right, and nobody has any right to question his sincerity or *bona fides*—that this addition would be very detrimental to the real interests of the trading classes. You are aware of the well-known proverb that if a woman pretends or professes to love another person's child more than the mother, there is something suspicious about it. The justice, that Mir Maqbool Mahmood is so anxious to mete out to these poor trading classes of this province may be something like the justice, an instance of which we find in one of the anecdotes connected with the personality of King Solomon. Two women came before him with a child and both claimed the child to be theirs. King Solomon saw through the game and he said, "All right, let the child be divided into two." One of the women agreed and said that the great Daniel or something greater than Daniel had come to judgment. But the woman who was the real mother of the child said, "No, I do not want the child; you give it to her." Why? Because she was the mother and was not prepared to have her child divided into halves. That is not the kind of justice that these trading classes want at the hands of the Government. They are always considered to be too shrewd for these people and by these people. They are shrewd enough to see through the game. It is all a device to please certain individuals belonging to this class but the class as a whole can surely see through the game. It may be very well in the case of zamindars who are presumed to be foolish, who are presumed by these gentlemen—not by me—to be simpletons, gullible, who can be easily misled and who can be easily looted and taken advantage of. It may be all right in their case but ex-hypothesi these trading classes can look after their interests and whereas these zamindar gentlemen may abuse facilities of credit afforded to them, the trading classes are not likely to abuse facilities of credit that may be open to them. Therefore, it will not do in their case to restrict the credit. In fact the trading classes want an extension of the facilities of credit. And how is that credit to be maintained, not by turning the gold that they possess, by an act of legislation, into a useless thing, into brass. If I have a bracelet of gold and a law is made that I cannot sell it in the market, it is no better than brass because I cannot raise any money on the credit of my gold bracelet. In the same way the only thing that our trader as a rule possesses is a small house or a small shop and some merchandise in that shop and if to the creditors or would-be creditors, whom he is likely to approach in the hour of need to transact the business, none of these assets will be available for realisation of their debts, the credit of that trader will certainly be destroyed. This is what unfortunately these gentlemen cannot see inasmuch as they do not agree with members on this side. What reason have they got to think that they are more concerned over their interests than members sitting on this side, their real representatives whom they have sent here by their votes? I think one ounce of genuine sympathy is much better than a ton of sympathy which is only professed and pretended. A resolution was brought here, we opposed it and we have not received one letter from any member of these trading classes that we were wrong in opposing that resolution. My honourable friend here who represents the

whole of Rawalpindi division, has just pointed out that not one remonstrance was received by him from the petty *sahukars* and petty traders living in villages or from anybody else. Sardar Sahib Sardar Santokh Singh is one of the most prominent traders in Amritsar. He has a better right to speak on their behalf than Mir Maqbool Mahmood. Though he also lives in Amritsar he lives in an entirely different atmosphere, lives in an official or princely atmosphere and has very little to do with the trading classes. Who can be expected to represent the view of trading classes and urban classes better, Sardar Sahib Sardar Santokh Singh or Mir Maqbool Mahmood? Certainly no one would say for a moment that Sardar Sahib Sardar Santokh Singh's view on this point is not worthy of more credit and more respect than the view expressed by my honourable friend Mir Maqbool Mahmood with so much expenditure of eloquence. Again, I would submit that not only is it a case of destroying the credit of these people but the amendment proposed by the Government also suffers from the defect of vagueness. What is the test prescribed for judging whether a person's assets are worth five thousand or more or less than five thousand? As Sardar Sahib Sardar Santokh Singh has pointed out—and I do not want to repeat what he said—it would lead to endless litigation and complications because it is not easy to determine definitely whether a person's assets amount to more than five thousand rupees or to less than five thousand rupees and such a vague provision should not be included in any Act of legislation.

One word more about the depressed classes to whom my learned friend referred. Unfortunately not many of them are sitting here to show appreciation of this outburst of sympathy for them but my honourable friend forgot that the depressed class village kamins have already been provided for and there is no difficulty for them. He overlooked another point and that is this, that so far as these poor scheduled classes are concerned, not many of them are there whose assets will be anywhere near five thousand rupees. I am saying this to point out that the limit which has been fixed by the Government is extremely high. It is unnecessarily high. If the scheduled caste people were to be protected, I think a very much smaller limit would have sufficed in their case. You know that so far as the standard of franchise is concerned, it is only the ownership of malba of fifty rupees in value or payment of rent to the extent of three rupees which gives them the right of vote, while it is five hundred in the case of other poor people and, perhaps, the rent is also much higher so far as the interests of the depressed classes are concerned. It was not necessary to include this item for their sake, because they have already been sufficiently protected.

With respect to what the great socialist member, Master Kabul Singh, said I would like to say just one word. I was not present in the House at that time, but I gather what he said was that instead of five thousand the limit should have been seven thousand and he also said something about blood-sucking propensities of the *banias* and so on and he wanted to stop those blood-sucking propensities of *banias*. If he had come from Russia I would not have minded his ignorance, but I think he is a Punjabi and comes from a place not very far from Lahore, belonging perhaps to Jullundur. He should know what the *haisiyat* of the people in this province is. I can safely say that people, whose assets amount to more than Rs. 5,000 cannot be more than 10 per cent of the total population or may be far less. To

[Dr. Sir Gokal Chand Narang.]

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It would mean that if this provision is included, the credit of almost the entire trading community in the province would be destroyed. Mir Maqbool Mahmood has every justification for thinking in thousands and he can even think in lakhs now. But what is the justification for Master Kabul Singh to think in thousands and at the same time to profess to be a poor zamindar? That passed my comprehension. I thought he would at the utmost think in hundreds but he thinks that everybody whose assets do not amount to more than 7 thousand should be protected under this provision. (An honourable member: Now he is running in thousands.) My honourable friend seems to know more about his resources. That is a private affair and I would not go into it. I am not concerned with it. What I am concerned with is this, whether it is 7 thousand or 5 thousand, it will certainly destroy the credit of almost the entire trading community in this province and I would still request the Ministry to reconsider the matter and leave those poor people alone. The Honourable Sir Chhotu Ram was pleased to say the other day that the Congress people should not interfere with their domestic affairs when there is a contest between zamindar and zamindar. Of course, people have no right to interfere and should better keep themselves out. But I ask him to leave us alone and save us from this mercy which his Government is now professing to extend to us. We can very well do without them. *Bakhsho bi billi chooha landura hi bhala*. People will carry on as best as they can. They have not approached the Government for any such provision in any organised manner. (Minister for Development: Hundreds). I have said so when my honourable friend was absent. I received one letter about 3 years ago but none after the discussion of that resolution in the House. Every member sitting on this side was opposed to that resolution and yet not one of them has received a single letter of objection from any member of the trading classes, which shows that tacitly and by their conduct, they approved of the opposition which we offered to that resolution in this House. They know what is good for them.

One word more before I sit down and that is this, that Mir Maqbool Mahmood or the Honourable Minister was pleased to say that the conciliation boards are doing very good work and even the creditors are approaching them in larger numbers. It would be too much to say that every member of the conciliation boards is dishonest and incompetent. But surely it cannot be denied that most of them are incompetent and most of them do not understand the procedure. We have been quoting instances and have been challenging the Honourable Premier and his Government even to prosecute us for having said something against at least one particular conciliation board. I made a statement in the House at Simla and I was told, 'You are protected here and you cannot repeat this statement outside'. I repeated that statement at a meeting which was attended by thousands of people at the place where that conciliation board sits and administers justice according to its own light or according to its own darkness. That statement, which I made in the House in Simla, was repeated from a hundred platforms in the province in various districts, such as, Lyallpur, Jhang, etc., and yet no action was taken against us. It may be due to the kindness of the Ministry that they have not proceeded against us. That is an alternative which I need not entirely exclude. It may be so, but the fact remains that the province has

been ringing with complaints against these boards. It cannot be denied. I am not one of those who would say that all are dishonest. I would not say that all are incompetent. That would be bad and that would not be true. I would not say that. But the question is whether even the majority of them are competent and whether they are carrying on their business in a satisfactory manner to justify the entrusting of further duties to them so far as the cases of debts of the non-agriculturists are concerned. It was said with great gusto that the creditors have been coming to them in greater numbers. I tell you there are two reasons for this. If this statement is correct and it may be quite correct, I am not interested in denying it—in fact, I hope, that statement is correct—there can be two reasons for it. One is that, thanks to the laws made by the present Government, the money-lenders have come to believe that justice is denied to them and that avenues for realisation of their debts have been closed against them. They know that. They are, after all, not fools that they will go on throwing good money after bad money. If they want to go to a court of law, it means spending money on court fees, paying fees to lawyers, it means tipping readers and chaprasis and others. They save all that expenditure because they know that even after spending so much money they are not likely to get one anna out of the rupee because nothing is now left available for the satisfaction of decrees. Therefore, they say, 'Let us go to conciliation boards, it does not matter whether they reduce our debts or our loans to 4 annas in the rupee, because otherwise it is not possible to realise even one of two annas in the rupee through courts.' Therefore, they go there simply to save the court-fee, etc. The other thing is this, that they think that they save a good deal of their time and the possibility of embittering their relations with the zamindars. They are now too afraid because they know and it has been said by the Honourable Minister again and again that it is a zamindara Government and that zamindars now rule the province. Only the other day, the Honourable Premier and some of his honourable henchmen said at a public meeting, 'it is now the zamindars' raj.' We are sitting in Lahore only as your agents.' These are the agents of zamindars, so the poor *bania* knows that he has no place now under the sun so far as the province of the Punjab is concerned. And if he goes to a court of law his relations with the zamindars will become more acerbated and, therefore, he goes to the conciliation board. He knows that even before the conciliation board his fate is to be decided by the zamindars who are always in majority on these conciliation boards, I speak subject to correction; but I believe I am perfectly correct when I say that every conciliation board consists of three members two of whom are always zamindars, representatives of the debtor class. What justice, what consolation and what fairness can he expect at the hands of a packed court consisting of the agents and advocates of the debtors themselves and appointed by people who have no mercy for them, and about whom he knows that if one was ever born after Adam was felled from paradise to destroy him and his interests it is the Minister who appoints the conciliation boards? What sympathy can the creditors expect? These are the reasons why they go to the conciliation boards, not that they have faith in the conciliation boards. It should not be concluded that the creditors are happy to go to the conciliation boards. If any one goes, the debtors may go

[Dr. Sir Gokul Chand Narang.]

because they know that the tendency of the Government and the conciliation boards is to favour the debtors.

One word more before I sit down and it is this, that we are really tired, if not actually sick, of hearing the words 'poor zamindar', 'poor zamindar' in this province. Since 1924 when I became a member of the Punjab Legislature the first time up to 1940 the two words which have occurred most frequently in the debates of this Assembly as well as the debates of the Council are these two words 'poor zamindar', 'poor zamindar'. Now some time we hear 'poor debtor'. This is really strange. If I lend a few rupees to a man and he refuses to give back that money although he can pay, what happens? It is I who am wronged. Even the word used for going to the court in Urdu or Persian is 'nalish' which means 'rona' or to cry, to lament and to bemoan. In English language the word 'plaint' also means crying, lamenting. Sympathy should be shown to the man who has parted with the amount instead of to the man who grabs it and sits tight and then approaches the Government and moves the Government to make a law to make his position secure. Whoever has heard of such a thing before gentlemen of the ilk of the present Ministry or men of their views came to rule? What everyone would feel is if there is a debtor who has incurred a loss, his house has been burnt or his cattle have died, his crops have been destroyed by hailstorm or by locusts—then he deserves pity and sympathy and if there is a *sahukar* or a money-lender who does not show pity, deal with that *sahukar* pitilessly because he is lacking in human sympathy. But we find people who borrow money to buy a square of land and when you ask for repayment say, 'this is the law made by Chhotu Ram, you go to the court and recover it if you can'. These are not hypothetical cases; there are hundreds of cases where people have borrowed money for buying land, for building a house, for educating their sons, for making them pleaders and for all such things, and when payment is demanded all sorts of excuses are made and even in those cases the *bania*, the money-lender, is branded as blood-thirsty, a rogue, absolutely devoid of sympathy and humanity. This is the position. Why should it be taken for granted that these debtors always deserve sympathy and not the creditors? In this province I assure you it is the money-lending class which deserves the greatest sympathy as Chaudhri Chhotu Ram has entirely succeeded in making them penniless.

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

Dr. Sir Gokul Chand Narang : I am concluding my speech. This was by the way. I was submitting that we hear this cry, and if there is a cry it should be raised in favour of the money-lender and not of the debtor. With these words I would strongly oppose the clause in which this provision has been added. I strongly approved of the amendment which was moved. It is certainly useless to say anything more than what I have said.

(Voices : Question may now be put.)

Mr. Deputy Speaker : The question is—

That the question be now put.

(Voices from the Opposition : The question should not be put so soon.)

Mr. Deputy Speaker : All that can be said has been said sufficiently.

Dr. Sir Gokul Chand Narang : You cannot presume that. May I say one word with your permission? Only one member has spoken.

Mr. Deputy Speaker : The question is—

That the question be now put.

The motion was carried.

Mr. Deputy Speaker : The question is—

That clause 4 as amended stand part of the Bill.

The Assembly divided.

(While the division was taking place.)

Dr. Sir Gokul Chand Narang : On a point of order, may I know whether the gentlemen who called for a division and shouted have voted against the motion or for the motion. Our view is that those members who shouted 'no' the second time were not serious and they called for only a mock division. I want your ruling on this point.

Premier : Who called for a division in the first instance?

Dr. Sir Gokul Chand Narang : Yes, I did.

Mr. Deputy Speaker : The result of the division is—*Ayes 53, noes 1.*

AYES.

Abdul Hamid Khan, Sofi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur).
Abdul Rahim, Chaudhri (Gurgaon).
Amjad Ali Shah, Sayad.
Bhagwant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fateh Khan, Khan Sahib Raja.
Fateh Muhammad, Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Ghazanfar Ali Khan, Raja.
Gopal Singh (American), Sardar.
Gurbachan Singh, Sardar Bahadur Sardar.
Hans Raj, Bhagat.
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.
Manohar Lal, The Honourable Mr. Magbool Mahmood, Mir.
Mubarik Ali Shah, Sayad.
Muhammad Akram Khan, Khan Bahadur Raja.
Muhammad Nawaz Khan, Major Sardar Sir.
Muhammad Nurullah, Mian.
Muhammad Qasim, Chaudhri.
Muhammad Raza Shah, Jeelani, Makhdumzada Haji Sayed.
Muhammad Sarfraz Khan, Chaudhri.
Muhammad Yasin Khan, Chaudhri.
Muzaffar Khan, Khan Bahadur Captain Malik.
Nasir-ud-Din, Chaudhri.
Nasrullah Khan, Rana.
Naunihal Singh Mann, Lieutenant Sardar.
Nawazish Ali Shah, Sayed.
Pir Muhammad, Khan Sahib Chaudhri.
Pohop Singh, Rao.

Banpat Singh, Chaudhri.
 Ripndaman Singh, Rai Sahib
 Thakur.
 Roberts, Sir William.
 Sahib Dad Khan, Khan Sahib
 Chaudhri.
 Shahadat Khan, Khan Sahib Rai.
 Shab 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.
 Talib Hussein Khan, Khan.
 Tara Singh, Sardar.
 Tikka Ram, Chaudhri.

NOES.

Ghulam Mohy-ud-Din, Khan
 Bahadur Maulvi.

The Assembly then adjourned till 12 noon on Thursday, 29th February 1940.

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY.

Thursday, 29th February, 1940.

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

QUESTION HOUR.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, a suggestion has been made by my friend, the Leader of the Opposition that we should dispense with the questions to-day and he has also suggested that we might curtail general discussion. I will be glad to accommodate him with regard to the first question, and with regard to the second, some irresponsible speeches have been made from the other side and we have to answer the points made but we will try to be as brief as possible and will come to the demands as soon as we can. I move—

That the question hour be dispensed with.

Mr. Speaker : Motion moved is—

That the question hour be dispensed with.

Dr. Gopi Chand Bhargava : I thank the Honourable Leader of the House for accepting my suggestion. As regards the second point, I beg to submit that I never meant that the Government should not give reply to the charges levelled by us. They should, if they can, and if they have anything to say they must say, but I request them not to make lengthy speeches simply because we have gone into details.

Premier : We will try to be brief.

Mr. Speaker : Question is—

That the question hour be dispensed with.

The motion was carried.

SUPPLEMENTARY ESTIMATES—GENERAL DISCUSSION.

Minister of Revenue (The Honourable Dr. Sir Sundar Singh Majithia) (*Punjabi*): Sir, the honourable the Leader of the Opposition telephoned to me this morning suggesting that we might desist from making any speeches in connection with the general discussion of the supplementary estimates so that the individual demands may be taken up forthwith. But as certain allegations have been made by the speakers from the other side which call for a reply, I am afraid, we shall not be able to accept this suggestion. However I will be very brief in making the observations that I have to make.

[Minister of revenue.]

It is surprising to find Pandit Shri Ram Sharma, ignoring his ancestral profession of learning and encouraging education and playing the role of an acrobatic paraphernalia (a trumpeter), who when the acrobat performs a most difficult feat at once proclaims: "This is no good; I am not satisfied". Similarly my learned friend, the Pandit says "This is no good; I am not satisfied" as soon as the Government has done some really useful thing. What is still more surprising is the fact that my honourable friend from Hoshiarpur has also made haste to fall in line with the learned Pandit in belittling what the Government has done. I can only suggest to him, most respectfully, that it does not speak well of him to hit right and left indiscriminately. Just as everything done by the Government is considered not worth his praise, every action of the Government also does not deserve condemnation too. We have spent no less than the stupendous sum of rupees two crores in connection with famine in spite of all the restraining remonstrations of our vigilant friend, the Finance Minister. But apparently even that leaves my honourable friend from Hoshiarpur as cold as ever.

So far as my honourable friend's objections *vis-a-vis* the Thal Project are concerned, I do not propose to make a lengthy speech by way of reply. I will only avail myself of this opportunity to impress upon my friends that if they are adamant to carry through the project without providing for the means to complete it, the Government, I am afraid, will have to take the same vices of some workmen of the type mentioned in the story of Birbal and his parrot. After all we shall have to employ a host of engineers, tracers, designers and all the paraphernalia of the engineering department to complete the project. For that, money is required. So long as we on this side of the House are in charge, money shall have to be spent on such schemes and we shall be always on the look-out to find ways and means for it. May be, if the things come under the magical influence of my friend over there, money may cease to be necessary.

As to the fine distinction which my honourable friend has drawn between voted and the non-voted items, I think the Honourable Finance Minister will give him the proper reply. It appears that at the time of criticising the Government my learned friend believed himself to be an expert in accounts which, I am afraid, he is not.

Then I come to the objection raised by my honourable friend Sardar Hari Singh. He said that the report of the committee appointed to suggest certain amendments in the Northern India Canal and Drainage Act and rules made thereunder had not been so far presented to the House for discussion. In this connection, I may point out that the committee included two Government officials besides a secretary from the Irrigation Branch of the Public Works Department. The officers were Mr. Khurshid Muhammad and Bawa Natha Singh, and an Executive Engineer as Secretary. The former had risen from the lowest rung of the ladder to the Under-Secretaryship in the Secretariat and therefore possessed fuller knowledge about revenue. The latter, too, by dint of industry had arisen from a subordinate post to the post of a Chief Engineer. He had also vast experience and mature knowledge at his back about the working of the canals. I have no mind

to speak at length about the matter. But suffice it to say that the said committee had to record voluminous evidence during its tours. After the proposals had been framed by this committee, the Government appointed re-constituted committee consisting of 4 honourable members of the Punjab Legislative Assembly and the Financial Commissioner and the Chief Engineer to scrutinise these proposals and discuss them threadbare, with a view to suggesting improvements therein. My honourable friend Nawab Fazal Ali would bear me out that at Simla the committee had to work very hard in order to expedite their deliberations regarding this report and complete it in the shortest possible time. This report was submitted to me in September last in the manuscript form for my perusal. It is at present under print and would be presented to the House as soon as possible for expression of the views of the Assembly.

Then my honourable friends over there made mention of some *loot-khasoot* carried on by the Government officials in the famine area. I have no intention to dilate upon this subject, but I cannot help saying that it was very uncharitable on the part of my honourable friend to indulge in a diatribe against Maulvi Fateh Din, the Fodder Adviser. I may point out that he is one of the most honest officers. He worked day and night and made unremitting efforts to get concessions from the railway authorities for the import of fodder. He took pains to see that even-handed justice was administered in the distribution of fodder amongst the famine-stricken people. My honourable friend has stated that a mammoth conference was held in Hissar which condemned the administration carried on in the famine area. He said that a copy of the proceedings of the conference had been sent to Government. I made immediate enquiries in the Secretariat whether any such report had been received there. I am told that it has not reached the Secretariat so far neither has it reached me. But I must say that if my honourable friend relies on such sources of information, then God help him. It appears that my honourable friend made the statement of despatch of the said report to Government in a fit of absent-mindedness or when his mind was pre-occupied with other matters like the Haryana Tilak (*Laughter*).

Now I would like to make a mention of the Bhakra Dam Project. I regret that at this stage I cannot throw much light on the scheme. My honourable friends are already aware that it is a very delicate and complicated matter. We have to carry on negotiations with the Bilaspur Durbar, which were suspended and at the same time we are considering the alternative storage scheme, i.e., of Balehu Dams. However, the matter boiled down, comes to this that we should provide an early and permanent relief to the famine-stricken people by bringing water to their arid lands in the shortest possible time. And we are trying our level best to achieve this end. The honourable members are aware that this scheme cannot come into operation in the twinkling of an eye. Some time must elapse before it matures. I do not possess a magic wand with which I could work miracles over-night. However, we are making earnest endeavours to provide irrigation facilities to these districts with the least possible delay. (*Interruptions.*) The honourable members opposite would be well-advised to take practical aspect of things. They should refrain from imputing motives while none exist. These baseless accusations neither serve their purpose nor do any good to Government.

Minister of Finance (The Honourable Mr. Manohar Lal): Sir, with a major part of what has been said by honourable members of the Opposition in the course of this general discussion on expenditure charged on our revenues, I am not really concerned. Such was, for instance, the speech of the honourable lady member. She spoke at inordinate length, I believe she spoke an hour's length and as her fancy took her, she now spoke on one subject, that is, corruption; now on another, the defects in the way of administration of Motor Vehicles Act; now a third, the evil that is the Unionist Party; and now a fourth, how the world of the Punjab may be set right. All this would be a very broad field to survey and it will be hopelessly out of place on an occasion like this. Then followed the honourable member from Rohtak. He, as the House by now knows fully, has too great obsessions. One is the *Haryana Tilak*. We were fortunately saved from any lengthy discussion on that topic day before yesterday. The other is the Fodder Adviser. (*Lala Duni Chand*: Is it obsession or a scandal?) Yes, it was scandalous, the way in which the attacks were made. (*Interruptions.*) I will only say one word. I think it is most unfortunate that in the course of a discussion of this character the honourable member should feel called upon to violate a very well established parliamentary tradition that one may not make an attack of the description which he made. I personally feel that it falls well within the limits of defamation and it is highly improper and against a parliamentary tradition that an honourable member should attack in the manner in which he attacked a civil servant of the Crown. Nowhere else would it be tolerated for a minute and, as I mentioned it just now, it is in violation of the well established tradition even in this House and the House that preceded it, that members must not indulge in defamatory diatribes of that character. The only other thing which touches me closely and directly is that in the course of the discussion that was initiated by Sardar Hari Singh, he once again raised the question of special pay and said that special pay should not be a "charged" item. It will be in your recollection that this very point was raised in June, 1938, in the course of a debate in this House and you were pleased to rule yourself that a special pay, when attached to an officer who falls within section 247 of the Government of India Act, would also be a charged item. Two points were raised by the honourable member, firstly, on the merits of this question of special pay and, secondly, on the technicality whether it should be a charged item inasmuch as special pay is settled by the Punjab Government. If you will refer to section 78 (3) of the Government of India Act, 1935, you will find that it is said therein as follows:—

"(3) The following expenditure shall be expenditure charged on the revenues of each Province—

(a) any other expenditure declared by this Act or any Act of the Provincial Legislature to be so charged."

If you will turn to section 247 of the Government of India Act you will find that it says:—

"247.—(1) The conditions of a service of all persons appointed to a civil service or a civil post by the Secretary of State shall—

(a) as respects pay, leave and pensions, and general rights in regard to medical attendance, be such as may be prescribed by rules to be made by the Secretary of State;"

And subsection (4) says :—

“(4) The salary and allowances of any such person as aforesaid shall, if he is serving in connection with the affairs of the Federation, be charged on the revenues of the Federation and, if he is serving in connection with the affairs of a Province, be charged on the revenues of the Province.”

The mere fact that part of the salary or special pay of a particular officer under the rules sanctioned by the Secretary of State is settled, that is, a special pay is fixed in circumstances also controlled by the rules by the Punjab Government, does not take it out of the purview of section 247 (4) of the Government of India Act where the words are “salary and allowances” and those words are enlarged now, and I have the best reason to say that the special pay of the officer is well covered by this definition. Coming to the merits of the thing, it was asked as to why this special pay was given. In fact as regards a particular officer in whose case the question was particularly urged, it was said that he has a salary, he has overseas pay, he has his travelling allowance, why then is he allowed a special pay? May I say that special pay is for the heavier work, the additional arduous work that is thrown on the officer concerned. As regards his overseas pay and travelling allowance, those are matters with which we cannot quarrel at all. So far as the special pay is concerned and why the special pay is in particular circumstances created by the Government, the honourable member would find that an appropriate rule is set forth in the Fundamental Rules in this respect. Paragraph 5, sub-paragraph 25, which relates to special pay defines special pay as an addition of the nature of pay to the emoluments of a post or granted to a Government servant in consideration of (a) the special arduous nature of the duties, (b) a specific addition to the work or responsibility, (c) the unhealthiness of the locality in which work is performed. It is in consideration of these facts that special pay is determined by the Provincial Government in any particular case. The question was raised particularly with regard to an officer who was acting as the Deputy Commissioner of a district when he was placed on special duty for a short period of nine months in connection with the framing of the Motor Vehicles Rules that were to be framed after going into the conditions prevailing in various parts of the province, this entails a very large amount of travelling. One other case of special pay to which reference was made relates to the special pay attached to a particular Secretary of the Punjab Government to whom is attached the additional duty of acting as Reforms Commissioner. I think the honourable members here know that the work of the Reforms Commissioner is not a light one. I think Khan Bahadur Nawab Muzaffar Khan would bear me out in this respect. The gentleman who has been granted this special pay is already doing fairly onerous work as a Secretary to the Government and the duties of Reforms Commissioner are additional duties assigned to him and there can be no two opinions that some special pay is necessary. So far about the special pay. The only other officer whose special pay comes within the purview of the supplementary estimates is the Panchayat Officer. The Panchayat Officer is a departmental head and this post has been created by the Punjab Government for reasons which honourable members will well understand—and reasons I trust that the honourable members would have no difficulty in endorsing. It is not for me to select officers but it will have to be admitted that he is selected in order to act as

[Minister of Finance.]

head of a new department—a department that has just begun to function. The whole department has to be organised and for the head of the department of the importance of panchayats for a rural province like ours, special pay has certainly to be given.

Something must be said about our capital expenditure. It was said by the honourable member in this connection that every time that the Government comes in for a loan to raise its capital fund, it must obtain sanction of this House. The honourable members will have to realise at once that a position like this cannot be contemplated for a minute. It is impossible for the Finance Department to come up to the House every time, saying, “we want so much loan for the Thal Project or so much loan for this other purpose”. Supposing one or two crores are required, would you want us to go about publishing to the world at large that the Punjab Government want in the month of September one or two crores? It will affect conditions of money market and it would not be to the advantage of the Government if they go about declaring this. It is well-known that our loan operations are conducted under well established principles by the Reserve Bank of India, and to them we confidentially convey our possible loan programmes early in the year, so that we may be able to obtain the best possible terms. But it would be a startling practice if we were to come before the House to receive sanction to be able to float a particular loan during a particular year. As for the rest, the memorandum itself is perfectly clear. It was said, and I do not know how it was said, that in Britain sanction of the Parliament is obtained for a loan. It will be within the recollection of the honourable members of the House that only the other day the Chancellor of the Exchequer, who is going to conduct the whole transaction in connection with the war in which Britain has entered and who is spending from £6 to 7 millions a day for that purpose, announced in the House of Commons that he would ask the sanction of the House for that expenditure by means of general token demands. Thus the Chancellor of the Exchequer and his Government are proceeding to spend that money as best as they can. The honourable members say that in England every loan even of a million pounds is a matter of sanction by the House of Commons. I do not know how to characterise a proposition of that irresponsible character.

About the Canal Committee something has already been said and so also about the Bhakra Dam Project, etc. I do not wish to enter into that question to-day because I wish to say something about it to-morrow in the course of my budget speech. But what I would remind the House about is this that every single item, as the House would find, with regard to the Bhakra Dam Project or the Thal Project or the Western Jumna Canal, etc.—and I do not wish to deal with this subject at the present moment—is absolutely clear and correct. I have tested every single item.

Then there was another line of criticism also as to why I. C. S. officers and why not P. C. S. officers were taken. That again is a matter in which I need not enter. If I were to enter upon that topic, I would be hauled up by you. It would be incorrect for me to-day, while I am presenting the Supplementary Estimates, if I were to raise the whole controversy on the virtues of I. C. S. officers as compared with P. C. S. officers. That would be hopelessly out of place.

Certain wrong information was conveyed to this House that this Government has, not only appointed certain I. C. S. officers to particular posts, but those officers happen also to be Europeans. Here again, if I may say so, it would be inappropriate for me to discuss the question of the propriety or desirability of selecting for particular posts European officers or Indian officers, because that general question of policy cannot be canvassed to-day and it is not for the House, if I may say so, to say that a particular officer is suitable or is not suitable for a particular purpose. That I take it is a matter for the Executive Government and if this House feels that the Executive is going wrong in the way of carrying on the administration, then other means are available and the supposedly wrong action should be brought to the notice of the Executive. But, as I said, it is based entirely on false assumptions. The Deputy Secretary, which my honourable colleagues here have recently acquired in place of the Under Secretary which they had, is not an European officer. He is an Indian officer. And similarly, the Director of Panchayats, an I. C. S. officer, is also an Indian officer. So these two officers are Indian officers.

Then, Sir, there is one more observation, I would make if I am permitted to do so, with regard to the Irrigation Department. The honourable member from Rohtak was pleased to say that there is nothing but *dhool* and that it is also a *madari ka khel*. I do not wish to take this observation of his very seriously. But may I say this that so far as *dhool* is concerned, the only thing which our Irrigation Department does, is to lay it down? When canals have passed through that particular part of the province, there is no more *dhool* and dust, and the water would run in abundance. So, to say that this Department induces *dhool* or throws dust in the eyes of the people, I feel sorry that an honourable member of this House should make that suggestion about a department which is surely the most beneficent department that we possess in the province at the present moment. It was also said that it is a *madari ka khel*. With that I am inclined to agree despite what my honourable friend said. It is a matter of marvel, a true miracle or stratagem that the Irrigation Department, during the past 3 years, with complete co-operation, sympathy and support of the present Government, has been able to achieve what it has achieved. As I said last year, in the course of two short years the scheme like the Haveli Project was started, carried through and completed and to-day waters in those canals are actually running to the ever-lasting benefit and advantage to that part of the province. That indeed is a stratagem. If you call that stratagem a kind of *madari ka khel*, I am prepared to accept that word from you. Hardly had the Haveli Project been completed when we started the Thal Project and if finances permit and if difficulties in the way of materials do not come, the Irrigation Department would once again perform a miracle, a stratagem or a *madari ka khel*. But it is a *khel* in which we all rejoice and which brings the best blessings to the people of this province.

Certain other statement was also made, for instance, that on page 13, the Chief Engineer is both "charged" and "voted". Of course, according to the honourable member it ought not to be charged but voted. But that is not so. The term Chief Engineer is a technical term. It means Chief Engineer with all his establishment of which a portion is charged. He is

[Minister of Finance.]

a gazetted officer and his salary is "charged" and the establishment is "voted". Therefore, if the honourable member had taken the trouble of seeing what the expression Chief Engineer means he would not.....

Diwan Chaman Lall : May I interrupt my honourable friend ? Where is it said in the Supplementary Estimates that the Chief Engineer is defined as my honourable friend is wanting to define him now ?

Minister of Finance : The answer is perfectly clear. Everything is not stated in the Supplementary Estimates because if it were so.....

Diwan Chaman Lall : If it were so, there would not be any necessity of giving this explanation now.

Minister for Finance : I think by now, we have completed nearly 3 years of life, the honourable member might well know what certain expressions consistently used in our Estimates mean.

Mr. Speaker : Will the Honourable Minister please proceed with his speech ?

Diwan Chaman Lall : Is my honourable friend prepared to give way ?

Minister of Finance : It will serve no useful purpose.

Now, Sir, I think that is an ample explanation of the many small imaginary faults said to exist in our supplementary estimates. I must mention one other thing—that was a matter of merit—though as I have said it does not concern the supplementary estimates or the debate that arises out of the supplementary estimates. It was said, here is the Superintending Engineer, his salary is so much, the salary of the staff is so much. Now the question of the pay of a Superintending Engineer cannot be raised on the supplementary estimates. If the honourable member wanted to impugn the Government in respect of the salary of highly placed officers, or for the matter of that certain other officers of the department, then he might have done this much justice as to remember that on our entering the office under provincial autonomy the first step taken was to reduce substantially the salary of highly paid departmental officers when the question arose of those services becoming completely provincialised and new incumbents came in. Bare justice required that this should have been mentioned.

Now if you review the matter from that point of view there is no substance in these false comparisons between the salary of a Superintending Engineer and his subordinates down to clerks and chaprasis and between the Chief Engineer and his subordinates down to clerks and chaprasis. There is no matter of substance here on which a debate could be raised. That I think meets all the various points raised on the technical side and most of the points raised on the "charged items" included in our expenditure in the supplementary estimates.

SUPPLEMENTARY DEMANDS.

STAMPS.

Minister for Finance : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 1,02,340 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 Stamps.

The motion was carried.

MOTOR VEHICLES TAXATION ACT.

Minister for Finance : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 1,780 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 charges on account of Motor Vehicles Taxation Act.

The motion was carried.

IRRIGATION ESTABLISHMENT CHARGES.

Minister for Finance : I beg to move—

That a supplementary sum not exceeding Rs. 4,04,680 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 Irrigation Establishment Charges.

The motion was carried.

GENERAL ADMINISTRATION.

Minister for Finance : Sir, I beg to move—

That a supplementary sum not exceeding Rs. 7,700 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.

Mr. Speaker : Motion moved is—

That a supplementary sum not exceeding Rs. 7,700 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.

Staff for preparation of Electoral Rolls.

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

That the item of Rs. 23,400 on account of temporary staff for preparation of Assembly Electoral Roll be reduced by Rs. 100.

Out of the whole voted expenditure included in this supplementary instalment I consider this item as one of the most important one. It is in connection with the preparation of the electoral rolls for the forthcoming general elections of the Punjab Assembly. The second general election for the Punjab Legislative Assembly is due in the financial year 1941-42. The period of validity of the existing electoral rolls for the Assembly constituencies expires sometime in 1941. The preparation of fresh electoral rolls is, therefore, necessary. It is proposed to prepare and print the new electoral rolls during the remaining months of the current year and in the next financial year. Provision is made for the staff and the expenditure to be incurred in this connection.

Before I proceed to discuss and criticise the working of the staff, their work is already in full swing throughout the province. I must criticise the provision of special pay for the Personal Assistant to the Reforms Commissioner at the rate of Rs. 100 per mensem. The same

[S. Hari Singh.]

criticism can be levelled against the provision of special pay for the Reforms Commissioner while we are discussing this charge. There would be 29 district election officers who would be perhaps Revenue Assistants or some other officers of the Revenue or the Judicial department, probably of the Revenue department. They too are going to be paid special pay and certain allowances. Now while they would be supervising the work of the preparation of the electoral rolls, they would be neglecting their ordinary duties of the revenue department or the department to which they are attached. Since they would be working in the same office hours no special hardship would be entailed. Therefore it is not at all necessary to pay them any allowances when they are already being paid ample salaries for the work they are discharging at the present moment.

Now as regards the working of the department I have to criticise it on the ground that the qualifications for the voters have not been given sufficient publicity by the Reforms Commissioner. The time-table and the preparation of electoral rolls has not been exactly stated and published. Only the other day it was in answer to a short notice question put by me that the Minister stated that the programme and time-table of the preparation of the electoral rolls was not quite exact. However, I have no grouse on that score, but before we put an interpellation in order to elicit information on the floor of this House, the Reforms Commissioner's office itself ought to have published an exact programme of the preparation of the electoral roll, so that all people in the province who are qualified to enrol themselves as voters in the various constituencies might go to the registering officers and get themselves enrolled. On the last occasion when the rolls were prepared for the general elections under the new constitution, hundreds and thousands of people who were qualified to be included as voters in the various constituencies were not included through no fault of theirs, because the average citizens have not been sufficiently educated as to their duties, as to their responsibilities, as to the qualifications which entitle a certain citizen of the Punjab to be included in an electoral roll. Therefore it is the duty of the Reforms Commissioner's office and the staff, it is the duty of the various heads of district administration in the Punjab to let the people know what qualifications entitle them to become registered as voters in several constituencies. This is not so much the duty of the citizens to know what is written in the Punjab Electoral Manual or what is written in certain posters posted outside the Deputy Commissioner's office. It is the duty more of Reforms Commissioner's office, his staff and the various district administrative heads, tahsildars and others to let the people know the qualifications that entitle them to become registered as voters for various constituencies.

I have toured the various villages in many parts of my own constituency and as a result of personal knowledge and experience gained by me, I can state on the floor of the House that sufficient publicity has not been given among the villagers to the fact that electoral rolls are under preparation. Sufficient publicity has not been given as to the qualifications which are to be possessed by people in order to be enrolled as voters. People generally do not know rules regarding the preparation of the electoral rolls, and they do not know the qualifications required to be registered as voters.

Therefore it is not late even now to let them know. I hope the second instalment or the registration of voters on an application has yet to be undertaken about the beginning of April or about the end of March. Very few people can be excluded from the first register if the patwaris and the moharrars are honest enough but a very large number of people, a large percentage of them who are entitled to be voters, would be excluded from the second register or register for those voters who are to be registered on application, unless sufficient publicity is given to the qualification—and this is the time when that publicity should be given—and unless sufficient facilities are created for women voters in particular and for the literate persons in general to enable them to be registered as voters on application.

Now we find that in the case of primary passed people the production of a certificate from the school authorities would be quite essential. I have not studied the constitutional point, perhaps it requires amendment by the Parliament, but it would be very convenient, it would be very useful, it would be very desirable if something is done for the educated persons, the primary passed, middled passed and the matrices who cannot produce certificates on application. The schools may have closed down or they may have been out of school for the last twenty years or the registers may have been destroyed, what does Government propose to do in these cases? How will the Reforms Commissioners help those people who are primary passed no doubt but who cannot produce certificates of education because of the reasons I have just given.

Moreover in order to get a certificate from an institution at least eight annas per certificate is required. The average citizens of the Punjab are apathetic and are not sufficiently politically educated—
 1 p.m. most of them—as to get the privilege of voting by spending eight annas and getting themselves registered as voters. Therefore facilities should be created, so that people may get an endorsement from their headmasters without any payment and get themselves registered on application as educated persons.

I will now refer to a particular and important aspect of the matter, namely, the labour constituencies. In regard to this matter I have to draw the attention of the House to paragraph 486 of Indian Delimitation Committee report, Volume I, page 180. I may read the whole of this paragraph because it is something very important, and I think that Government has not done its duty by the labour constituencies concerned. The report says:—

We are in entire agreement with the view expressed in the report of the Royal Commission on Labour, and supported by the Indian Franchise Committee (Report, paragraph 244), that "if special representation is to be given to industrial labour, the method which, in our view, is most likely to be effective in securing the return to the legislatures of the best representatives of labour is that of election by registered trade unions." The working of this method should also exercise an important influence on the healthy development of trade unionism. Where only one seat was given, the trade unions might elect the member; where more than one seat was allotted to labour, the unions could either be grouped for the purpose in separate constituencies, possibly according to industries, or they could elect the members jointly.

This is significant and my honourable friend opposite will do well to underline it.

As regards details we recommend the setting up in each province of a special tribunal to determine before each election the weight which should be given to each registered trade union. The tribunal might consist of three unconnected with industry or labour, presided over by a high judicial officer.

[S. Hari Singh.]

I would again read this recommendation of the Indian Delimitation Committee and I ask my honourable friends opposite whether they have acted upon these recommendations of "setting up in each province of a special tribunal to determine before each election" before next election. This recommendation ought to have been acted upon by setting up a tribunal "to determine the weight which should be given to each registered trade union". Now while referring to this recommendation I may bring to the notice of the House, the particular case of the North-Western Railway Union constituency. Previously the membership of the North-Western Railway Union which was a constituency for the purpose of electing a representative to this House was 40,000 and that number of 40,000 has now dwindled down to 200 only. Are you just, are you fair in having a two hundred member union as a constituency for electing a representative to this House at the next general election? In the meanwhile another union has sprung up with a membership of 20,000 paying members but that union would altogether be ignored although it is ten times larger than the previous union. Unless a tribunal is set up these 20,000 labourers registered as members of another North-Western Railway union would be altogether ignored and only 200 members would be considered as enfranchised for returning a representative to this House. This is creating a pocket borough. If you act upon the recommendation, this very useful recommendation, this very necessary recommendation then only you can enfranchise 20,000 labourers who are to return a member to this House, otherwise you are only creating a pocket borough for your own man. Further I would read paragraph 494 on page 183 of the same committee's report. It says —

It is not our desire to place the trade unions under the control of Government, nor in any way to deprive them of their independence. What we are anxious to ensure is that full material should be available for a tribunal on the lines suggested by the Royal Commission on Labour, and referred to in paragraph 486 above. We recommend that such a tribunal should be constituted by the Governor acting in his discretion in every province in which labour seats exist. The object of the tribunal would be to make a yearly review of the constituencies which we have recommended to the Parliament for the labour seats in each province.

Have the Government in this province done this? Has there been a review of the labour constituency every year?

If the result of the investigations of the tribunal was to show that any union had lost its representative character, or for any other reason had ceased to be in a position to fulfil the function for which it was designed, or that other unions had come into existence which could properly be included in a constituency or could adequately replace unorganised labour, a report to this effect, with the recommendation of the local Government, could be made to Parliament.

Now another union has come into existence. What is the recommendation made by the Indian Delimitation Committee? The report says that when other unions have come into existence which can properly be included in a constituency or could adequately replace unorganised labour, a report to this effect, with the recommendation of the Local Government could be made to the Parliament. Have my honourable friends made any recommendation to the Parliament, as regards enfranchising 20,000 labourers of a registered North-Western Railway Union, if necessary, after discussion by the legislature under the provisions of section 308 of the Government

of India Act ? My friends have taken no steps under provisions of section 308 and yet they have set up electoral machinery for registering voters for the next election. What is the result ? The result would be in the North-Western Railway Union only 200 people would be enfranchised and 20,000 new registered members will go unrepresented.

Mr. Speaker : Demand under consideration, motion moved is—

That the item of Rs. 23,400 on account of temporary staff for preparation of Assembly electoral rolls be reduced by Rs. 100.

Sardar Mula Singh (Western Hoshiarpur, General Reserved Seat Rural) (*Punjab*): Sir, my honourable friend Sardar Hari Singh put a short notice question and asked the Government when they were going to prepare electoral rolls and the reply was that the preparation of electoral rolls would begin from the 3rd week of January. I may point out that we made tours in countryside and enquired from the Patwaris who told us that they had not received any such papers from the Government up to that time. In reality those papers reached there in the last week of February and we came to know that the Achhut community did not know anything about the instructions issued by the Government in that respect. They were kept in the dark. The Government did not manage to inform them about these instructions with regard to electoral rolls. Neither has it been advertised nor have the Achhuts been informed by the beat of drum that they should enter their name in the electoral rolls. As the Government declared the removal of *begar* by the beat of drum, similarly if they had told the Achhut community about the electoral rolls I think there would have been no harm. It would be said by the Treasury benches that instructions were sent to Patwaris. I may submit that Patwaris are generally under the influence of big zamindars. Moreover they do not go into the houses of Achhuts as they feel it is below their dignity to do so. Consequently the votes of the members of the scheduled castes are not prepared. For instance, ten or twelve thousand votes were not prepared in my constituency at the time of last election.

We have no more than eight thousand votes in any constituency while about 20 thousand votes could be registered. One condition for a Harijan to qualify for a voter is that the house in which he lives should have malba worth 50 rupees. But I have learnt from my honourable friend Chaudhri Jugal Kishore that the Patwaris do not register the voters of the scheduled castes of his ilaqa on the ground that the zamindars assert that the malba does not belong to the scheduled castes, in as much as the wood and straw which constitute the malba of their houses really belong to the zamindars from whose fields they are usually brought. The zamindars claim the ownership of the malba.

Khan Bahadur Nawab Chaudhri Fazal Ali : Ownership is not essential for a voter ; only the price of the malba should equal Rs. 50.

Sardar Mula Singh : It is, sir, a manifest injustice. The Government of the Punjab does not take any strong action. Our votes are not being registered. If all of our voters are registered, we are sure to capture more than eight seats. We can capture certain seats belonging to Hindus. If the due number of our voters had been registered in the last elections, we

[S. Mula Singh.]

would not have allowed Rai Bahadurs and other big persons to capture our seats, and only those Hindus could have been elected who would be sympathetic towards us. Even now if the full number of our votes are registered, we can capture not only the eight seats which are reserved for the scheduled castes but also the other eight seats of the Hindus by defeating them. (*Interruption.*) During the last general elections our votes were not fully registered in the districts of Rohtak, Karnal and Gurgaon. In the tahsil of Una alone the number of our voters was 33,000, but out of them only 4,000 were registered. If the Government had taken a little more care and shown a little more sympathy, 20,000 voters at least would have been registered in this single tahsil. Let me make it plain to the House that our "bradri" has now become able to differentiate between a friend and a foe. Our "bradri" is divided into 27 branches. The patwaris sometimes do not count the "Ramdasis" among us. In fact they belong to our community. But the patwaris count them among the Sikhs. Another complaint is that the patwaris refuse to give four votes for the four sons of a Harijan who is qualified to vote. His single vote is registered. Moreover, votes of our literate members are not prepared unless they produce the School Leaving Certificate while we are too poor to obtain these certificates by travelling long distances in lorries or railway trains. I may assure the Government that if our community is convinced that the Unionist Government is sympathetic towards us, we shall stand by them during the next elections. If on the other hand the Unionist Government will betray us, let them remember this, that every individual member of the scheduled castes, whether it is a child or a young man or an old man or whether it is a woman, is a very jealous guardian of the right of this community. (*Hear, hear.*) Our brothers are groaning and crying for help against poverty and disease but no one listens to their painful cries. If our votes are fully registered in the next elections, we will defeat all those who would try to trample us under their feet. (*Hear, hear.*)

With these words, Sir, I support the cut motion that has been moved by my honourable friend Sardar Hari Singh.

Lala Duni Chand (Ambala and Simla, General, Rural): In view of the experience gained by me and others during the last general elections and the imperfections and defects noticed by us in the Electoral Rules, I want to make certain suggestions to Government and particularly to the Finance Minister. I may be permitted to say one word with regard to the general attitude of the Honourable Finance Minister towards questions that are debated in connection with the supplementary budget. So far as the purely financial aspect is concerned, I have no quarrel with him whatsoever. In fact I am prepared to compliment him upon that. But when he gets up to justify all sorts of things done by the other Honourable Ministers, my quarrel arises. Another grievance that I have against him is that he is not quite ready to see the realities as they exist. No doubt he has got a very large heart, but unfortunately he generally starts with all sorts of presumptions that are quite wrong. I would like him to always examine before making any statement whether that statement is correct or not.

The first thing that I would like to refer to is the fact that by this time the vote has come to be regarded as a saleable and purchasable commodity. I know that there are a large number of individuals and even some small organisations that regard the vote in that light. I want that the Government should take steps against the votes being treated in that way. It is a thing through which a voter can approach the authorities. It is a thing through which he can secure influence with the Government and with the highly-placed persons like the Ministers. It is a thing through which he can secure importance in that part of the locality in which he lives. It has come to my personal knowledge that certain clever persons have got all the members of their families or kindred families registered as voters, including the minors, the object being that when the time for recording votes comes, they will use those votes for acquiring influence in the eyes of those people who would like to have their votes either for price or without price. Therefore, I do want that instructions should be issued to all the public servants connected with the preparation of electoral rolls, that they should prepare electoral rolls absolutely correctly and absolutely impartially. They should also be told that it is their business to find the qualifications of a particular voter. It should be the business of those who are entrusted with the duty of preparing the electoral rolls that they should know whether a particular person is entitled to be recorded as a voter or not. If you are going to leave the thing, as the tendency is there, to the voters to come forward and mention their qualifications and to prove their qualifications, I have got no doubt whatsoever that very imperfect and very incorrect electoral rolls will be prepared. Every person who is concerned with the preparation of the electoral rolls should make a note that his primary duty is that every person who is eligible to be recorded as a voter should be recorded as a voter whether he approaches anybody or not. I would also suggest that the conditions regarding making written application by certain class of voters, should, if possible, be done away with. I know that a woman cannot become a voter unless she applies. This is a great hardship in the case of women. If this condition is enforced I think very few women will become voters. Very few women will come forward to the extent of asking anybody or to make a written application that her name should be recorded as a voter. I think this condition is most undesirable and must be done away with before the electoral rolls are prepared. I also beg to say that in view of the existence of political parties into which the Punjab is divided, in view of the atmosphere that has been created in the Punjab during the last 3 years on account of the activities of the Government, the Congress and other bodies, I do not particularly blame the Government, for this, care should be taken that all people qualified to vote are recorded as voters. There should be no discrimination. My apprehensions are that in the rural areas it will be the agriculturists who will have their votes easily recorded without any effort on their part, because the votes will be recorded by the patwaris. These patwaris will record the votes of all agriculturists, including those who may not be entitled to be recorded as voters. I do not want that every agriculturist, whether he is entitled to become a voter or not, should be recorded as a voter. I know, as Sardar Mula Singh has very rightly complained, that non-agriculturists, particularly the Harijan voters, will not receive the same treatment.

[L. Duni Chand.]

regarding their votes being recorded as the agriculturists. We know that in rural areas certain communities occupy a very subordinate and humble position. It should be the duty of the Government to see that the votes of all non-agriculturist voters are recorded correctly and accurately as those of the agriculturists. I know that so far as the voting strength of the non-agriculturists in this province is concerned, it is almost half. This question was discussed in course of the last election and it was ascertained that the voting strength of the non-agriculturists was nearly 50 per cent of the population strength. My fears are that the non-agriculturists will not receive the same treatment as the agriculturists will. We know it is the patwari, it is the lambardar, it is the sufedposh, it is the zaildar, that occupies prominent position in the rural areas. I do not grudge that position. That position they are entitled to hold. But it is the duty of the Government to see that that prominent position which the rural officers occupy in the rural areas should not be abused.

Another thing I would like to say is that unless a strong sense of duty is created among all those people who have got anything to do with the preparation of the electoral rolls, there would be a good deal of partiality and there would be a good deal of corruption in the matter of preparation of electoral rolls. I know what part patwaris, lambardars, sufedposhes and zaildars play. If the Government is honest enough, impartial enough, they should see that these people do not have their own way in regard to the preparation of electoral rolls. I would also suggest that so far as the staff is concerned, when other communities are going to have their share, the Harijans should also have their share, to ensure the correctness of the electoral rolls. It is necessary that all communities, including the Harijans, should be represented on the staff which will be entrusted with the duty of preparing the electoral rolls. I know it is not a small business. But I have a grievance, and that grievance is that during the last three years, under this popular Government the Congress workers have received the worst treatment. It is generally the Congress man or the member of the Congress Committee in the rural areas that can honestly and impartially discharge his duty. The trouble is that no Congress worker is allowed to serve his people. Everywhere obstructions are placed in the way of congress workers. I know that if the Government would secure the co-operation of the Congress committees and the Congress workers in the rural and urban areas for the preparation of electoral rolls, they will come forward to help Government. But I am afraid they are treated badly. Petty officials of the Government, such as constables or head constables or sub-inspectors treat every Congress worker, howsoever honest and honourable he may be, in a most shabby manner. I pray to the Government that so far as the preparation of these electoral rolls is concerned, the Congress workers should not be treated at a discount. They should have the same right to help the Government as other classes of people have. I dare say that in future some other bodies might come with a higher sense of public duty but up to this time I do not find any other organisation in the country except the Congress that has got the real sense of public duty and public service at heart. It is the desire of the Congress workers to do service and they should be encouraged to do so. I do not want that they should get any particular privileges or any particular authority,

but they should be treated in the same way as other classes of people and if that right is conceded to the Congress committees and the Congress workers, I can assure the Honourable Minister of Finance that the task of the preparation of the electoral rolls will be very much facilitated. I make another submission and then I finish. I know that this may not be possible, but I must still hope that no political considerations will be allowed to have anything to do with the preparation of the electoral rolls. I fear that in certain districts political considerations will weigh with the authorities entrusted with the preparation of the electoral rolls. The good name of the Government requires that no political consideration should influence the preparation of the rolls. I would ask the Honourable Minister for Finance, who is so zealous to defend the entire administration, every department and every Government servant, to see whether my allegation has got a basis of truth in it. The trouble with the Honourable Minister of Finance is that he is very much offended if any official is criticised. I do want him to get rid of that mentality which is responsible for his not doing his business as effectively and as properly as he can otherwise do. With these words I support the cut motion that has been moved by Sardar Hari Singh.

Khan Bahadur Nawab Muzaffar Khan (Attock North, Muhammadan, Rural): Sir, I had no intention of taking part in this discussion but there appears to be some misapprehension in the minds of some of the honourable members; particularly Lala Duni Chand, as he talked of political consideration in the preparation of electoral rolls. My own impression is that the honourable member has no idea as to the manner in which the rolls are prepared in different parts of the Province and in different constituencies. My own experience is that as far as rural areas are concerned, 95 per cent of our electoral rolls are correct. Great credit, I personally think, is due to these hard-worked and greatly misunderstood petty officials that is, the patwaris. Patwaris prepare rural rolls from the revenue records in their possession. They cannot go out of these revenue records and cannot therefore prepare a wrong electoral roll as alleged by various honourable members. Difficulty arises when they take into consideration the value of immovable property not being land assessed to land revenue. In such cases there may be mistakes here and there as regards the value of property but I feel that such cases are very few. So far as the rural areas are concerned, I feel sure that the rolls in future will be as correct as they have been in the past. It is surprising my honourable friends should throw the whole burden of preparation on the shoulders of the Government. Is it not their duty to see that the rolls are correctly prepared? I have asked some of my friends in my constituency to see that the rolls are correctly prepared. There is some chance of mistake cropping up in the case of urban areas but so far as the Government is concerned, their rules are so strict that very few people can be brought on the electoral roll who have not got the necessary qualifications. A door to door visit is paid and electoral rolls are prepared by streets, mohallas and by wards in the municipalities.

Lala Duni Chand: How was the name of Lala Lajpat Rai omitted? The name of Pandit Madan Mohan Malaviya was also omitted.

Khan Bahadur Nawab Muzaffar Khan: Sir Fazl-i-Husain's name was also omitted.

Mian Abdul Aziz : Very creditable.

Khan Bahadur Nawab Muzaffar Khan : He says, " Very creditable." It was not the fault of the registration officers at all. The names were duly registered but disappeared in the process of printing by the carelessness of calligraphists and correction mistakes were discovered in time and corrections made. The proper course for my honourable friends now is to co-operate with the registering authorities, both in rural areas and in urban areas. They should particularly see that the rolls are correctly prepared in the city of Lahore and city of Amritsar. The fault does not lie as much with the registering authorities as it does with the various members. It is their duty now to see that correct electoral rolls are prepared. As regards depressed classes, my honourable friend pointed out that certain patwaris do not prepare correct rolls. Probably he himself does not so far know the qualifications as yet which are required of the depressed classes. As far as I am aware—it is pretty long when I studied those rules—it is the value of the malba and not the ownership of the property that gives them the right of vote. So, I do not think any owner could have objected to the registration of any member of depressed class on that ground. One of my honourable friends sitting on my right said that no allowances should be paid to the district electoral officers and revenue assistants. I think it is most unfair that revenue officers, qanungoes, patwaris or other electoral officers should be paid no allowances for this arduous and hard work that they have to do in addition to their normal duties. The revenue assistants in the districts have to check these rolls not only in rural areas but also in the towns which lie in their districts and it would be unfair to expect such hard work from them unless they are adequately compensated for it. Some of my friends on my right said that the payment of allowances to the Reforms Commissioner was not justified. My honourable friends have no idea as to how hard his work is. My own experience is that for nights and nights together the Reforms Commissioner and the electoral officers have to go without sleep and have to work day and night in order to see that everything is correctly done. With these few remarks, I would again appeal to the honourable members that they should try hard and co-operate with the registering officers whether he is a Congressite or a Unionist. I think it is their duty to see that patwaris and other registering authorities prepare the rolls correctly.

Mian Abdul Aziz (Outer Lahore, Mohammadan, Urban) (Urdu) : Sir, I agree with my honourable friend Nawab Muzaffar Khan when he says that it is the duty of the public to co-operate with the staff which is deputed for preparing electoral rolls. But I beg to submit that when the work is in its earlier stages the responsibility lies on the shoulders of the Government. I also agree with him when he says that no work can be accomplished without due payment and in my opinion something by way of allowance should be given to them. But at the same time I think—and I am confident that the honourable members on the Treasury benches will also bear me out—that the electoral rolls are mostly full of incorrect entries, and give much cause for complaint.

My honourable friend Nawab Muzaffar Khan also remarked that the electoral rolls for rural constituencies were better executed as he said they

are corrected in accordance with the settlement and revenue papers. But I doubt it very much that they are based entirely upon the revenue papers.

Khan Bahadur Nawab Muzaffar Khan : Mainly.

Mian Abdul Aziz : Even if my honourable friend says "mainly", I can show him such rolls where the names of important persons have been omitted. The fact is that the responsibility for their correctness devolves upon the Government, although I do not deny that the public is also responsible to a certain extent. So far as the preparation of correct electoral rolls is concerned, it is, in my opinion, primarily the duty of the Government themselves. Can my honourable friends deny that at the time of the preparation of urban rolls there are many interested parties and communities, such as Hindus, Muslims and Sikhs who approach the officials preparing these lists and get many names entered or omitted, as the case may be, either by greasing their palms or in some other way? I can produce many such lists of Lahore which have been prepared *ex-parte*, as it were, thanks largely to the force of money.

May I know from the honourable friend the Nawab Sahib whether he did not receive any complaints during his tenure of office, against those who prepared electoral rolls, to the effect that they omitted to register the names of important persons and entered, instead, the names of persons who did not exist at all?

Khan Bahadur Nawab Muzaffar Khan : You are thinking of municipal elections?

Mian Abdul Aziz : Not of only municipal elections but I am prepared to show you the lists of Lahore where the names of dead persons have been entered.

I am pointing out all these irregularities not in a spirit of criticism but with a view to bringing these facts to the notice of the honourable Minister in charge so that he may issue instructions to those who are responsible for this kind of work that they should be careful in preparing correct rolls.

You are probably aware that it is the usual practice to employ a temporary staff for preparing these rolls. These people have no knowledge of either the constituency or the nature of the work and this is the main reason why they are prevailed upon by certain interested parties. That is not particularly the case here in this country but even in England where lists are being prepared since a very long time, although the percentage of wrong entries there is not so large as is the case here. In the Punjab at least 25 per cent of entries are incorrect, and it should be the duty of the Minister in charge to see that correct entries are made. If that is done, it will not only be good for the Government but it will also redound to the good of the country as a whole.

In this respect I have to make a submission to the Government that it will not in any way affect the prestige of the Government if they accepted a suggestion made by the Opposition or the Independent Party. Let not the statement of Honourable Sir Sundar Singh Majithia when he said : "I do not agree" be interpreted to mean that it reflects the attitude of the whole Ministry.

Premier : My honourable friend is labouring under a misapprehension. The Honourable Minister of Revenue related the story of the *bandar wala* and described how the monkey refused to accept his request.

Mian Abdul Aziz : I am thankful to the Honourable Premier for correcting me but let me inform him that he should also take care lest this parable might come true in his case. (*Laughter.*) I hope the Honourable Premier would agree with me when I say that the Government should at least accept that suggestion of the Opposition which is proper and reasonable.

Again there is another point which I want to bring to the notice of the Government and it relates to the notification of the commencement of the preparation of these rolls. Although I have been regularly reading the Government notices I was not aware of the work having been started until I read the demand for the grant of allowance of the temporary establishment. I therefore request the Government that they should notify this fact by issuing large size posters in all the constituencies, be they rural, urban, or otherwise, so that the necessity for making applications should not arise. The public at large is not yet so well versed in civic matters that they keep themselves in touch with the dates of the preparations of electoral rolls. They fight shy of going to an officer of the Government for getting their names entered in those lists. It is to overcome this difficulty that I request the Honourable the Premier and the Honourable Minister in charge to issue such instructions for eliminating the necessity of the public submitting applications for having their names entered in the rolls.

Minister of Finance : The Honourable the Premier is himself in charge of this work.

Mian Abdul Aziz : Thank you very much. I think, you too should not be ignorant of it and it is my hope that you would not keep silent over the matter.

I was submitting, Sir, that it was very essential to notify the commencement of these operations in urban as well as rural areas. You are probably also aware of the fact that last time, in the course of the preparation of these rolls the name of Mr. Justice Bakhshi Tek Chand was omitted and in the preliminary list for Lahore my name was missing. I do not imply by citing these instances that this was a deliberate omission on the part of the staff engaged in this work, but what I mean to convey is the fact that proper care is not taken in preparing these rolls. It is my desire that proper care should be observed in their preparation so that it may not adversely affect the voting strength of the constituencies. The Government should issue necessary instructions to the Reforms Commissioners' office that when the clerks have to visit a particular ward for preparing the electoral rolls this fact should be made known to the public of that locality with the beat of drum that on such and such date the clerks would come for the purpose. This would, I am sure, considerably help the people who can, without the least dislocation of their work, cancel all other engagements on that particular date. Under the present arrangements people do not know on what date and at what time the clerks would come to register their names. Sometimes they come in the evening and at other times they visit at noon. Again, they bring

with them certain people who do not have any acquaintance with the residents of the locality. I do not propose to level any scathing criticism against the Government policy. Far be it from my mind to do so. My only object is to bring these hard facts to the notice of the Government. I hope the honourable Nawab Muzaffar Khan would be one with me that temporary staff should not be engaged for the preparation of the electoral rolls.

Khan Bahadur Nawab Muzaffar Khan : I quite agree with that suggestion.

Mian Abdul Aziz : Thank you. In the urban areas this complaint has been generally felt that temporary clerks do not realize their responsibility and duty, and that most of them work dishonestly. Sometime back the electoral rolls of a certain municipality were found replete with errors and omissions. It was noticed that several votes had been made of persons who had either died long before or who were only 10 or 12 years of age. When complaints were made to the officers concerned they ordered the institution of an enquiry into the matter. But the subordinates told them that since the staff employed for the purpose was of a temporary character no such enquiry could possibly be conducted. Thus my respectful submission is that this time the Government should engage permanent staff for the urban areas. With these remarks I hope the Government would be disposed to give favourable consideration to my submission.

Lala Harnam Das (Lyallpur and Jhang, General, Reserved Seat, Rural) (*Urdu*) : Sir, the general elections will be held after two years and the Government has ordered for the preparation of electoral rolls now. I fail to understand why the Government is in such an indecent haste. In this way all those people would be deprived of exercising their right of vote who would become eligible during the next two years. Supposing a person becomes a tenant of 6 acres of land or builds a house with malba worth Rs. 50 in the month of April. Now under the rules he would be eligible to vote after the expiry of one year. But since the lists are now under preparation he would not have a vote in the next election. In fact it is a great hardship to him and a sheer encroachment upon his rights and interests. Moreover, by taking into consideration the time fixed for the preparation of the rolls, one can easily understand the mentality of the Government. Since the Assembly is in session, the honourable members cannot go to their respective constituencies and see that the lists are correctly prepared. It appears that the Government wants to get the lists prepared in such a manner that not a single member of the Opposition may return next time. If that is not the case, then the Government should provide for the revision of these rolls after a year.

Begum Rashida Latif Baji : It seems that the honourable member has not read the relevant rules.

Lala Harnam Das : Let me tell the honourable lady member that it is not specified in the rules that the rolls should necessarily be prepared two years before the general elections. If I have not read the rules then she too has not gone through them.

If the Government is honestly of the opinion that these lists should be prepared so early, then it should postpone their preparation for at least two

[L. Harnam Das.]

months so that all the members may have time enough to reach their respective constituencies for watching their preparation. But I am sure the Government would not accede to this legitimate request of mine, because it is its considered policy to weaken its opponents and help its favourites by fair or foul means. With this object in view the Government has let loose its spies in the villages in the form of the Panchayat Officers who would by judging the public opinion direct the local authorities to prepare the votes of the supporters of the Government and cancel those of their opponents. The Panchayat Officer of my ilaqa is making arrangements for holding a meeting and the Honourable Chaudhri Sir Chhotu Ram is expected to address the gathering. If he has the courage of his conviction, I would request him to give me some time before making his speech and then I would see as to how he makes his meeting a success. The poster published in this connection shows that this meeting is going to be held under official patronage. The list of signatories on the poster includes among others the names of the Deputy Commissioner of the district, the Revenue Assistant and the Panchayat Officer of the ilaqa. These names have been given simply to dissuade the poor people, under official influence, from voting in favour of their real representatives. In fact it is a direct attempt to ruin the Achhuts by suppressing their popular feelings. The honourable Nawab Muzaffar Khan was pleased to remark that the electoral rolls are correctly prepared, but my submission is that if he accompanies me I would disprove his contention by showing that there are hundreds of people who had no vote on the previous occasion, although they possessed malba worth Rs. 1,000 or Rs. 2,000. The Panchayat Officers who have been recently appointed would see that the votes of the minions of the Government are entered and those of its opponents are not registered. In short, it is a great injustice to the Achhuts. In the constituency of my honourable friend Chaudhri Jugal Kishore it is generally complained that the patwaris are not registering the votes of his supporters. In fact, my friend Sardar Moola Singh has rightly remarked that under the existing arrangements thousands of people would be deprived of their right of vote. It would be a criminal negligence on the part of the Government, if it does not take proper and timely action in the matter. With these words I support the motion under discussion.

Begum Rashida Latif Baji (Lahore Inner, Muslim Women, Urban (Urdu): Sir, I had no intention to participate in this debate but it appears from the speeches of certain honourable members that they
 2 p.m. are afraid lest their names should not be correctly entered in the lists or their opponents might arrange to put obstacles in the way of the names of their supporters being included in the electoral rolls. I would advise them not to bother about these things because when the provisional lists are ready we can check them and get the mistakes rectified by making an application to the authorities. At the time of the last general elections the lists of almost all the voters of my constituency were prepared with the help of my opponents. I was glad that they were taking this trouble because anyone who wants to serve his or her country and community need not have any fear in this connection. I may inform the honourable members that almost all the voters whose names were entered at the request of my opponents cast their votes in my favour. Thus there should not be

any apprehensions with regard to these lists because we can get the mistakes rectified and if we serve the constituents sincerely they would surely vote for us.

Then the honourable member, Mian Abdul Aziz, remarked quite correctly that sometimes wrong entries are made by inexperienced clerks. I agree with him. Last time my own vote was not correctly entered and I had to get the mistake rectified afterwards. Anyway, my submission is that if you work with a sincere desire to serve your voters you can be sure of being returned. There were ten thousand women voters in my constituency and I did not know how many of them were for or against me. But I was certain of one thing. I knew that I could get their support by love and service. I would, therefore, request my brothers to prove true representatives of their voters in this House and continue to serve them patiently and sincerely. The lists when they are ready will be open for examination and if there are any mistakes you can get them rectified.

Another point which requires attention is that since women are entitled to vote for male candidates also it is possible that men may get wrong entries made in respect of their votes. For instance some candidates might make a wrong statement to the effect that he has two wives and thus get two votes entered in the lists for his own benefit. (*Laughter.*) My submission is that women are generally law abiding and if their men do not try to get wrong entries made no complaint would arise so far as the lists of the women voters are concerned. I would, however, like to submit that one reason to which some of the errors in the lists of women voters may be due is the fact that most of the purdah ladies do not like to talk to male clerks and thus get their votes entered personally. If some arrangements are made to remove this difficulty the chances of mistakes in these lists will be reduced to a great extent. With regard to the speeches in which the fear has been expressed that the Government will try to put obstacles in the way of certain people being elected I would submit that one who believes in service need not have any such fear. With these words I oppose the amendment.

Chaudhri Krishna Gopal Dutt : I beg to move that the question be now put.

Begum Rashida Latif Baji : Please speak in *Urdu*.

Premier (Honourable Major Sir Sikander Hyat-Khan) (*Urdu*): Sir I have been asked by my honourable sister to speak in *Urdu* and I comply with her wishes and I would request every honourable member of this House to listen attentively to what I am going to say. The matter under discussion deserves attention not only of this House but of the general public of the province as well. I am glad that the Opposition has also put forward certain constructive suggestions to-day. The only purpose, which discussion of demands can serve, is to enable honourable members to put forward concrete proposals so that the Government may carry them out. At the very outset of my speech I must frankly admit that my learned friend Sardar Hari Singh has failed to impress me to-day. He is generally well-informed especially in regard to facts and figures. Very few members of this House can compete with him in this respect. But whatever he said to-day was based upon ignorance of facts. He has made an allegation to

[Premier.]

the effect that many voters could not get their names entered in the electoral rolls in the last general election. I do not dispute this statement, but supposing it is true, may I know who is to blame for this? So far as the department is concerned I can safely say that it has done its best. Kanungos, naib-tahsildars and patwaris kept touring in villages. They asked the voters to get their names entered in the electoral rolls. If in spite of all these efforts people did not respond to the call the Government is not to blame. The fact is that the people are illiterate and they do not understand the value of their votes. In England and other European countries office-bearers of different political parties canvass in their respective constituencies and prepare lists of voters. How I wish that this useful convention had been adopted here. The time for preparing electoral rolls for the next general election is approaching, and I request the Opposition and other parties in this House to get ready for this work and I believe that as a result of their concerted efforts, no eligible voter will be left out. I am sure that nobody will complain in future that the electoral rolls do not represent the real strength of voters. In this connection you will have to guard against another evil. Many persons who do not fulfil the qualifications of a voter will try to get their names entered in the rolls. I know that numerous such cases were brought to the notice of the Reforms Commissioner last time, but as the names had already been entered in the rolls it was not possible to remove them. My honourable sister says that the names of many voters have been left out. I may point out to her that this can be rectified at the time of *Uzardari*. My honourable friend Sardar Hari Singh has tried to lay the blame at the doors of the department concerned. Let me assure him that Government took great pains to make the electoral rolls complete. If any names are left out then it is the fault of the ignorant persons who do not attach importance to their votes. He has also complained against the inefficiency of the publicity done in this connection. I wonder how can he make such an allegation. At the time of the last general election *communiqués* were published in all the newspapers. Big posters were exhibited outside the office of every deputy commissioner at district headquarters. Also such posters were pasted on the walls of police stations and patwarkhanas.

Dr. Sant Ram Seth : Posters are not sufficient.

Premier : My friend says that posters are not sufficient.

r. Sant Ram Seth : Such posters ought to be distributed among the public like ordinary posters and handbills.

Premier : I assure my friend that these posters were distributed freely among the public. I have got here two notices with me issued by Government in which it has been made clear as to what the qualifications of a voter should be. I can read them out if my honourable friends want me to do so.

Mian Abdul Aziz : I have not seen it anywhere.

Premier : These notices were published in almost all the newspapers. My honourable friend Mian Abdul Aziz being a very busy lawyer does not perhaps get time to read papers.

Mian Abdul Aziz : Please do not defame me. I read papers daily.

Premier : Mian Sahib comes here after doing hard work in the High Court. He goes home fatigued and tired. How can he get time to go through papers ? He is not bound to read papers day and night like myself. *Communiques* have been published in the newspapers giving in detail the qualifications of a voter. The members of depressed classes wanted to know the qualifications prescribed for voters. These qualifications are also to be found in these posters. One of the qualifications is that an Achhut who does not own a house but pays rent to the value of Rs. 36 annually can become a voter.

Mian Abdul Aziz : May I have a copy of it ?

Premier : Yes. I will hand it over to you as soon as I have done with it. As regards the property qualification of Rs. 50 prescribed for Achhut voters this applies to Malba, not to ownership. Then my friend Sardar Hari Singh made a reference to the labour constituency. What I understood from his speech was that he is very keen to give a lift to the Trade Union Constituency. He also raised a point regarding the North-Western Railway Union, but I could not follow him. He said that previously as many as forty thousand voters were on the rolls of the Union, but now their number had dwindled down to 200 only. He also stated that another Union had been constituted the membership of which ran to twenty thousand.

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

He asked, where was a necessity for establishing a separate Trade Union ? The best thing would have been to include these twenty thousand members in the old Trade Union and that would have given them complete control over that institution. Unfortunately our previous experience of these trade unions is very bitter. They keep bogus and incomplete registers of voters. Sometimes money is accepted by them in order to cancel certain names and include certain others in their place. I can quote one example, at least in which the name of a particular person was cancelled just one day before the commencement of the election. But for such malpractices of these trade unions we would have little hesitation in recognising them. I need hardly add that some of their representatives in this Legislature have been opposing the very measures that were calculated to benefit the poor people who had sent them here. In view of this, I fail to see how the rapid extension of these Unions is likely to benefit the voters. There are already three such Unions in existence. Let them be firmly established and when they have won the confidence of their constituents, the question of their extension will be duly considered.

Coming now to my honourable friend, Lala Harnam Dass, who asked as to why we had started the preparation of electoral rolls so soon, I may be allowed to say, that this question betrays to the extent of his ignorance about the constitutional procedure. Several questions have already been put and answered in this connection and detailed instructions have also been issued to various district officers on the subject. We have not started the work too early. It will take more than a year to complete the final lists of voters. Some time must also be allowed for hearing objections and revising the lists,

[Premier.]

Let not my friend feel nervous about the coming elections. Does he imagine that if the voters' lists are not prepared forthwith, the elections will not be held? They will be held in due course and the honourable members will have to appear before the bar of public opinion. Perhaps he thinks that if elections are held in the near future, his voters will not support him.

Lala Harnam Das : I protest.

Lala Duni Chand : This is what is called a clap-trap argument.

Premier : I meant nothing of the sort. The honourable member was saying that we had started the work too early and that we were pursuing it in hot haste. I have merely tried to disillusion him by saying that the preparation of electoral rolls will take much longer time than he imagines. Moreover, the Government may be defeated at any moment just as the Sindh Ministry's fate was hanging in the balance the other day, and in that case elections could be held immediately. We are only carrying on our routine duties which seem to have scared Lala Harnam Dass. Perhaps he is afraid of his voters who have been watching his activities in the Legislature for the last three years. All that I said was that he need not be so nervous and think that the verdict of his constituency will go against him (*A voice : We do not want a figure-head.*)

My honourable friend Sardar Mula Singh observed in the course of his speech that if the lists of voters of his community were correctly prepared, he was sure that the Scheduled Castes would not only capture their allotted number of seats but would also capture a number of other seats belonging to the general constituencies. I shall be glad to see this. But he forgets that money is a great temptation for a good many of us. This factor plays an extremely important part in elections and voters should see that only those persons are elected who can stand this temptation after they have duly been elected to represent a certain cause. My honourable friends would do well so to mould their characters as to be able to withstand such temptations.

Diwan Chaman Lall : On a point of order. May I request my honourable friend to revise his statement? It does not become him to say such words. He charged my friends here with dishonesty.

Premier : No, no.

Diwan Chaman Lall : May I draw his attention to the sentence he used? He said "

میرے دوستوں کو یہ کہنا اچان درست نہ لگا جو کہ

which means that they are dishonest.

Premier : My honourable friend is always ready to put an uncharitable construction upon my words. In so far as the question before us is concerned, he knows that fighting an election is not a cheap affair. It costs money and he knows perfectly well that it costs a great deal of money even in small compact constituencies like his own.

Mian Abdul Aziz : Do people become honest when they get four thousand rupees a month?

Premier : It is a pity that my honourable friend, who is an able lawyer and commands a vast practice, is still hankering after more money and is greedily hoping to obtain this paltry sum. Perhaps it is for this reason that he is making every effort to put an end to this Ministry in the hope of getting a place in the new cabinet. As he is no longer a child, I cannot find any remedy for his greed and discontentment. I cannot say more than that.

Mian Abdul Aziz : Pray for my death.

Minister of Education : Why not pray for contentment ? As a Persian poet has aptly said :

یا قناعت یار کند یا خاک کور

An honourable member : And what about your own colleague, Sir Sundar Singh Majithia ?

Premier : Do not bother about him ; he is only a bag of sugar-
(Laughter).

Sir, it is a matter of gratification to me that my honourable friends opposite have put forward certain constructive proposals in regard to the preparation of electoral rolls. They have suggested the appointment of permanent Muharrirs in cities for this purpose. I agree, as my honourable friend Nawab Muzaffar Khan has also stated, that in urban areas some mistakes in the registration of votes do occur and it is possible that such mistakes are intentionally committed by the registering authorities. However, we will take stringent measures to ensure that in future such mistakes are not repeated in the preparation of electoral rolls. We would also endeavour to bring the delinquents to book. As regards the maintenance of a permanent staff for this purpose in urban areas, I would certainly give a sympathetic consideration to this proposal.

One word more and I have done. My honourable friend Diwan Chaman Lall was absent from the House when I gave expression to my views in regard to enfranchisement of railway unions. I might repeat them now for his benefit. My honourable friend Sardar Hari Singh raised a point regarding the North-Western Railway Union. But I could not follow his line of argument. He said that previously as many as forty thousand voters were on the rolls of the Union, but now their number had dwindled down to 200 only. He also stated that another Union had been constituted, the membership of which ran to twenty thousand. But the members of this body had no power to elect their representative to the Legislative Assembly, while those 200 voters were entitled to do so. I fail to understand why these twenty thousand workers do not join that Union and capture it.

Diwan Chaman Lall : The point raised by my honourable friend Sardar Hari Singh was this, that the North-Western Railway Union, which forms the basis of the constituency known as the North-Western Railway Union Constituency, had a large membership many years ago. Its membership has now dwindled to a few hundred. On the other hand under the auspices of the All-India Railwaymen's Federation, which is a body recognised by the Railway Board for all matters of consultation regarding the condition of employment of workers of all the railways in India, a new body has

[Diwan Chaman Lall.]

been created on the North-Western Railway amalgamating all the separate unions, except the body which forms the basis of that constituency. This new union has a membership of 20,000 paid members, whose subscriptions amounting to several thousands have been deposited in the bank. This union is about to be recognised by the Railway Board or the General Manager as the case may be. It is an extraordinary position that a Union with a few hundred members should claim to represent the entire constituency, whereas the Union of 20,000 members is disenfranchised. It was in view of such a difficulty that the Delimitation Committee reported that a tribunal should be formed, just before the elections to discover which Unions were active and were to be recognised for the purpose of forming the basis of the Trade Union Constituency and which not. But unfortunately this matter cannot be dealt with here, unless either the Government moves and sends a memorial to the Governor-General or asks the British Government to move of its own accord in putting this matter of the Trade Union Constituency right.

Premier : I am very sorry indeed that our power is restricted or limited by an Order in Council or by the Act itself. Anyway so far as we are concerned, we will always sympathetically consider any application for registration or recognition, provided we are satisfied that the Union really represents the workers. Unfortunately our past experience in regard to that Union has conclusively proved that it has not owned anybody who had the remotest connection with unionism. I also referred to certain abuses which were brought to my notice when the last electoral rolls were prepared. For example certain recognised Unions were bribed to put on their registers the names of certain candidates. We must devise some means to stop that kind of abuse and we should see to it that these unions are really genuine unions in the strictest sense of the word and that they are not allowed to enrol members on the eve of elections. I believe I have dealt with all the points raised in the course of this discussion and I hope that my honourable friend will not press his motion.

Mr. Deputy Speaker : Question is—

That the item of Rs. 23,400 on account of temporary staff for preparation of Assembly Electoral Rolls be reduced by Rs. 100.

The motion was lost.

Mr. Deputy Speaker : The question is—

That a supplementary sum not exceeding Rs. 7,700 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.

The motion was carried.

POLICE.

Minister for Finance : I beg to move—

That a supplementary sum not exceeding Rs. 1,79,340 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 Police.

Mr. Deputy Speaker : The demand moved is—

That a supplementary sum not exceeding Rs. 1,79,340 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 Police.

Extra police staff for internal security.

Mr. Dev Raj Sethi (Lyallpur and Jhang, General, Rural) (Urdu) : Sir, I beg to move

That the item of Rs. 1,29,700 on account of District Executive Force (Police) be reduced by Rs. 100.

Sir, the Government have put forward the demand for a supplementary sum of Rs. 1,85,340 in order to defray the charges of the extra staff of police required to enhance the strength of the Provincial Additional Police. It has been stated that the increased force has been necessitated for internal security duties in connection with war and also for the purpose of quelling down the kisan agitation and posting of guards at vulnerable points on the outbreak of war. But I am of the opinion that this item is an unnecessary burden on the provincial exchequer, because the additional police is redundant. It is very seldom that an occasion arises to put it on duty. As a matter of fact the strength of the police force is already sufficient to meet all the contingencies that may arise. I therefore fail to see the propriety of spending this sum when Government have already incurred a huge expenditure to the tune of 121 lakhs of rupees in connection with the maintenance of the provincial police. I may point out that previously the Provincial Additional Police comprised of 2 Inspectors of Police, 8 Assistant Sub-Inspectors, 32 Head Constables and 40 Foot Constables. But now as the Demand in question indicates, the strength of extra staff of Sub-Inspectors, Head Constables and Foot Constables has been increased to 40, 80, and 1,000, respectively. Although this additional police force has been sanctioned for six months, yet I have serious apprehensions that its employment would be prolonged. But the question arises whether there was really any necessity for recruiting such a large force at the expense of the tax payer. It has been argued that war conditions have compelled the Government to employ this force. I may point out that this is a lame excuse. No disturbance worth the name has taken place justifying the services of the additional police. As regards the war, it is being waged on the Western front. It is half a year old but nothing tangible has taken place as yet. I ask the Government what disturbances or Hindu Muslim riots had taken place which made them requisition the services of a large force of additional police.

Khan Bahadur Nawab Muzaffar Khan : Has my honourable friend forgotten what happened in Jhang in 1915 during the Great War,

Mr. Dev Raj Sethi : How can I forget those eventful days? But conditions are quite normal now, and if such a situation arises, it can be adequately met with the existing police force. As a matter of fact so far there has been no disturbance in the Punjab which can justify this huge expenditure. Let alone the Punjab, we daily receive some such news on the radio that there all is quiet on the Western Front. It follows therefore

[Mr. Dev Raj Sethi.]

that so far as the Punjab is concerned there is no such danger or there is no likelihood of any dangerous situation arising here. If there is no such danger in the Punjab I do not think why this provision is being made for the Provincial Additional Police on the excuse of 'internal security duties in connection with war measures'. I do not know why the Punjab Government has become so nervous. I may point out that in the Supplementary Estimates, first instalment, a huge sum of Rs. 75,000 was provided for war publicity and in connection with that college students have been appointed to do this publicity. They are travelling in the rural areas in a motor lorry and are broadcasting the recorded speeches of the Honourable the Premier. Now in addition to that sum of Rs. 75,000 this huge sum of Rs. 1½ lakhs is being provided for the maintenance of Additional police force in the Punjab. I, for one do not think that there is any necessity for this Additional Police Force. The financial position of the Punjab is already very unsound. Besides, there are other needs of the province which deserve the urgent and immediate attention of the Government. There is the famine-stricken area of Hissar and if we ask the Government to open more spinning centres we are told that funds are not forthcoming. Further, the condition of industries is very bad and when we bring it to the notice of the Government they at once take shelter, behind that oft-repeated argument of lack of funds. I ask them, when they have not got any funds for such useful things, wherefrom this money has come for the War publicity and Additional Police Force. At present the war is at a standstill and if, God forbid, it begins or gets into full swing I do not know what will be the condition of my honourable friends and how much Additional Police they would then require for maintaining law and order in the Punjab. I ask the Honourable Premier whether he can honestly say that during the last six months anything has happened which can justify the provisions of this huge sum for the Additional Police force. Has any such event come to his notice or should I think that the reason stated in the Supplementary Estimates is merely a creation of his own fancy. As a matter of fact there is no kisan agitation in the province which can justify the maintenance of Provincial Additional Police. Even the report of the police department does not throw any light on the subject and one is forced to conclude that these apprehensions exist only in the minds of the officials and nothing more. For the information of the honourable members I would like to quote one or two passages from the Report of the Police Department for the year 1939-40. It is stated therein :—

If any further evidence is necessary to show that the objective is the creation of a mass revolutionary mentality, it is to be found in the simultaneous efforts of other communist agitators to organise labourers, to foment strikes and to secure control of essential services so as to be in a position to paralyse industry and transport.

I ask, have strikes taken place in the Punjab? In what manner have Sardar Sohan Singh Josh and his colleagues tried to secure control of essential services so as to be in a position to paralyse industry and transport? If there is any such thing in the knowledge of Honourable the Premier, let him come forward and enlighten the House about it. If he cannot do so, as I am sure that nothing has happened during the last six months which can justify the maintenance of Additional Police Force, we will be forced

to conclude that this nervousness is merely a creation of his mind and nothing more. Further, it is stated in the said Report :

A few more persons trained in communist doctrines and propaganda methods in Russia returned to the province. They joined the previous arrivals in putting into practice what they had been taught about communist activity—most of it carried on under the cloak of other political organisations—developed considerably.

I ask is there any kisan agitation now that this strength of additional police is provided for ? If not what is the justification for it ? Then it is further on stated :

Undoubtedly the main political features of the year were the activity of the Kisan organisation, its technique, and the amount of disorder, unrest and disrespect for law and authority.

But does this justify that 1½ lakhs of rupees should be provided for the Additional Police Force ? As a matter of fact there is no kisan morcha now. There is only a committee known by the name of kisan organisation, but I may point out that the members of that organisation believe in the creed of non-violence. If during the last six months they have done anything contrary to law let the Honourable Premier bring it to the notice of the House.

In conclusion, I may point out that whatever money has been spent up till now cannot come back to our coffers, but in future no more funds should be incurred for the maintenance of this strength of the Additional Police Force. In fact my suggestion is that it should be disbanded, because the whole of this strength is not needed. With these words I commend my cut motion for the acceptance of the House.

Mr. Deputy Speaker : Demand under consideration, motion moved—

That the item of Rs. 1,29,700 on account of District Executive Force (Police) be reduced by Rs. 100.

Chaudhri Muhammad Hasan (Ludhiana, Muhammadan, Rural) (Urdu) : Mr. Deputy Speaker, I rise to support the cut motion now before the House. The question before the House is whether this Additional Police Force has served any useful purpose or not. I think it has not served any useful purpose at all. Fortunately you are aware how the additional Police Force is working in our district. As a matter of fact the Punjab Additional Police Force is useless and is serving no useful purpose. In order to elucidate my point I would cite some examples for the information of the honourable members. On the night of 26/27th October some dacoits murdered one head constable in the Ludhiana district and decamped with his rifle. What was the help which the other police men rendered. They actually took to their heels and halted at a distance of three miles from the spot where the police head constable was murdered by the dacoits, and waited there for succour from the headquarters for arresting the dacoits. The distance between that place and the Headquarters was only 15 miles and the information was sent to that place at 6 o'clock but no succour was sent to them for arresting those dacoits. This is the way in which the Additional Police force works. In fact news about the presence of a gang of dacoits was sent to the headquarters but no action was taken.

[Ch. Mohd. Hasan.]

Then in the month of November at Hathar one Chauranji Lal was murdered and the dacoits fled away with his rifle. This murder took place in broad day light. Neither the police nor the lambardars, nor the zaildars dared to follow the dacoits to arrest them. What is the reason for all this inactivity of the police? The Additional Police was not present anywhere in that ilaqa. As a matter of fact Additional Police Force was present in the Police Stations of Jagraon, Raikot, Sidhwan Bet and Ludhiana Sadr. The reason was that the Superintendent of Police had issued orders to the effect that the Additional Police Sub-Inspectors could not go to any place without his permission. I have many such instances with me. Sardar Gurdial Singh, a member of the District Board sent a message to the Superintendent of Police on the telephone from Jagraon Police Station at 3 o'clock that dacoits were loitering in that ilaqa, but up till 6 o'clock no aid was sent. This is how the additional police is working. If that is the way of doing things how can it prove useful, save in one respect that men from the district of my honourable friend Minister for Public Works and from Jhelum District are recruited and they get their pay in order to make their both ends meet? I admit that that is the only useful thing that is being done by the maintenance of the additional police force; otherwise it is doing nothing useful for the province. In fact they are incapable of doing so. Moreover you are aware of the fact that when the head constable was murdered by the dacoits the people complained to the Deputy Commissioner and the Superintendent of Police that the sub-inspector who was present there had shown cowardice.

Mr. Deputy Speaker : I would request the honourable member to confine his remarks to the demand under consideration.

Chaudhri Muhammad Hasan : I am giving you the reason for not increasing the additional staff. Although I know that the old ada

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aptly applies to my honourable friends, yet I wish to point out there is absolutely no use of appointing additional police in the province. So long as the Government do not warn the police force that it is part of their duty to try to bring about a reduction of crime in the province, it is no use burdening the provincial exchequer with the expenses of the additional police force and the Honourable Ministers are responsible for this unnecessary waste of public money.

In connection with the instances that I was just now giving I may also mention the fact that when a complaint was made to the Superintendent giving also the report of the cowardice exhibited by the police, he instead of taking any action himself, forwarded the report of that very sub-inspector as a special report to the Deputy Inspector-General. I beg to submit that the additional police force cannot serve any useful purpose unless it is made independent and is freed from the necessity of looking up for orders to a different quarter. In the circumstances it is nothing but a useless waste of public money. The utter uselessness of this force is evident from the fact that Chauranji Lal was murdered in broad day light and the culprits took away a gun with them, when all the shops were open and the additional

police post was at a distance of only eight miles from that place. Another fact is worth mentioning here. Ali Muhammad a constable from the state police challenged the authorities that his statement should be recorded and he also said that he could give a better account of himself in the face of a posse of additional police. Such is an estimate of the courage of the additional police force. And let me inform the House that so long as a courageous and a better type of Superintendent is not appointed, this police will be a wasteful burden upon the revenues of the Province. *(Interruption)*. As it is the desire of my honourable friends on this side that I may end my speech I do not want to cite more instances although I have a score of facts in my possession. Moreover you belong to the same district, and you have personal experience of all these cases.

Premier : Fortunately you did not have an experience yourself.

Chaudhri Muhammad Hasan : It is on account of my personal experience of the inefficiency of your additional police that I am dubbing it as useless. With these words, Sir, I strongly support the cut motion moved by my honourable friend, Mr. Dev Raj Sethi.

Sufi Abdul Hamid Khan (Ambala and Simla, Muhammadan, Rural) (Urdu) : Sir, I want to say a few words with regard to the utter uselessness of the additional police force in so far as it has been unable to deal effectively with the menace of the dacoits in the districts of Ambala and Karnal.

Briefly, the facts are that 4 or 5 months back, a gang of dacoits which originally consisted of 4 persons started its depredations. At first the gang committed a few dacoities in one of which a person was murdered, but this did not move the authorities into taking any action. It was not until a month later, when the Naib-Tahsildar of Thanesar, who was out for a walk one morning on the Grand Trunk Road, was fired upon and relieved of some seventeen or eighteen rupees and a wrist watch by a dacoit, that the district authorities woke up from their slumber and arrived at the conclusion that public life and property was really in danger and some action was necessary on their part. A posse of additional police, some 15 or 20 strong, was deputed for duty at Thanesar proper and about 50 men were posted in the neighbouring ilaqa. But you will be surprised to know, Sir, that in spite of the presence of additional police force 5 or 6 dacoities were committed one after the other within a radius of 9 or 10 miles of Thanesar. The first of such dacoities took place in a village named Kalchitar about ten miles from Thanesar. It so happened that the dacoits had gone there to get supplies for the gang when an unfortunate fellow conceived the idea of informing the police. While on the way to the police post he met a head constable and two constables. He related the story to them and brought them back with them. Now the policemen did not want to actually face the dacoits and they merely wanted to take credit without running much risk. So they somehow or other attracted the attention of the dacoits who being frightened took to their heels leaving a rifle behind them. The same day they snatched the rifle of a man in Nawab of Kunjpura's village and told him to get the one they had left in Kalchitar. In the meanwhile the informer being afraid of his life applied for police protection, but the Superintendent of Police told him that all that he could do for him was to grant him a gun license. The informer

[Sufi Abdul Hamid Khan.]

thinking his life unsafe shifted to a bigger village. A month and a half after, the house of the informer was set on fire by the dacoits and a relative of his was shot dead. Before leaving the village they warned the villagers that they would continue to victimise the informer.

On the 15th February the dacoits plundered an old woman in Partapgarh and a little later they met a constable returning to the village. They attacked him at once and shot him twice. He was a clever fellow. He

realised that it would not be possible for him to run away for life, and so he fell down and held his breath. The dacoits thinking that he had succumbed to his injuries took to their heels. But at 5 o'clock in the evening they met another constable near Thanesar about 1½ miles from police station, Thaska, Thanesar, who was coming from Miranji. All the five dacoits simultaneously opened fire at the poor fellow who died there and then. His dead body bore 5 distinct wounds caused by 5 gun shots. Thus within a period of 3 hours there took place three incidents of the kind. The first took place at 2 p.m. and the second just half an hour later and the last at 5 in the evening. In short all these horrible things are happening in a single tehsil where additional police has been posted. The most painful aspect of this incident is that although the murder was committed only at a distance of 1½ miles from the police post yet the police officials wasted 2½ hours before they actually reached the spot. In the meantime the dacoits had time enough to flee away. The police registered the case no doubt but none of them took pains to trace it out. The real culprits are still at large and the police has failed to apprehend them. Such incidents have become a matter of daily occurrence in that ilaqa during all these months. Ever since the police constables have been assaulted the police officials are afraid of the dacoits lest they should make them their targets. They have been so much frightened and scared that when complaints are lodged with the police to the effect that at such and such place the dacoits have committed armed robbery the police deliberately displays lack of enthusiasm in visiting the spot and making investigation into the case. It is a fact that so far the police has signally failed to bring any offender to book. At first the public was under the impression that there were certain persons who were offering shelter and extending protection to these armed robbers. But now they are certain that all this lawlessness and highhandedness is due to the cowardice and indifference on the part of the police posted there. Why does the police display cowardice and why is it so indifferent to the sufferings of the people? It is a pertinent question and the answer to it is not far to seek. It has been generally felt that the recruitment to the police department is open to all communities and no distinction is observed as to whether the candidate belongs to the martial classes or not. I am strongly of the opinion that the superior police staff should be selected from among the candidates belonging to the martial classes alone. (*Hear, hear*). The presence of the officers belonging to the non-martial classes is the principal cause of the spread of cowardly feelings among the police forces. Moreover, the police officials have taken into their heads that any attempt on their part to deal squarely with the bad characters would result in the discussion of an adjournment motion in the House. Being afraid of the fact that action might be taken against them they do not interfere with the activities of

the *badmashes*. These are the two causes which have led to the spread of lawlessness in that ilaqa. I would request my honourable friends opposite not to adopt an attitude which is sure to cause confusion and chaos in that part of the province. With these words I resume my seat.

Premier (The Honourable Major Sir Sikander Hyat-Khan): Sir, I am afraid I will have to take a few minutes to answer the criticism levelled by my honourable friends opposite, but I will try to be as brief as I can, because I understand that my honourable friend Chaudhri Krishna Gopal Dutt wants to get on with the next demand. I am perfectly willing to accommodate him, and therefore my observations will be very brief and succinct. My friend Mr. Dev Raj Sethi read out the memorandum attached to the Supplementary Demands relating to this particular Demand and said something about communism, saying that Sardar Sohan Singh Josh was a communist, he had done nothing and what was the need for the additional police. I do not think Sardar Sohan Singh Josh is a communist: I do not think he will admit that he is a communist. That remark, I think, was due to the ignorance or perhaps indiscretion of my friend Mr. Dev Raj Sethi. However, for his information I can tell him that communism and communistic activities are not on the wane. Either he sees very little of them himself or else he is absolutely blind to them. I can assure him that in the country as a whole and also in this province communists are very active indeed. As a matter of fact, if unfortunately there is trouble in the international situation, these communists will create unrest in the country so that the menace of war is much nearer than people apprehend, because the communists wish to create disturbances on a very large scale. So far as we are concerned, we are taking every possible precaution to avoid that contingency, and so long as the present Government is in power, it considers it its duty to see that no such untoward incident happens in the province, and it is for that reason that we believe in prevention rather than in trying to cure a malady after the event. The honourable member also said that we see nothing of the war and that nothing has happened to warrant the appointment of additional police. That remark is constantly made by my friends opposite, but they would admit the existence of a world war only if, according to them, their houses were burnt and looted. It is only then that they will admit that there is war; otherwise, according to Mr. Dev Raj Sethi, and men of his way of thinking, there is no contingency against which we should guard. (Dr. Sir Gokul Chand Narang: Why do you not organise?) We do everything possible to guard against any unfortunate contingency which may arise.

I may also point out to him that we are bound to take certain precautions under the Defence of India Act. Under the Act it is incumbent upon the Provincial Government to take certain precautions when India is involved in war, and I may point out that the total strength required for the extra duties caused by the war alone would be at least 5 additional police inspectors, 7 sub-Inspectors, 11 assistant sub-inspectors, 407 head constables and 2,481 foot constables. That would be the total requirement for these precautionary measures which, as I have just stated, is incumbent upon every provincial government to take in an emergency like this. In spite of this we have tried to reduce the numbers of this additional police so that

[Premier.]

the burden on the provincial exchequer shall be as small as possible. We are aware that it is possible to recruit people much more quickly in this province than is the case in other provinces, but at the same time they must be trained people and, if war spreads, most of the reservists who are now in the additional police may have to go back to the colours, and fresh enlistment would be necessary. Therefore we must have other people, besides those who will be required in the Army, for this kind of work. It is not easy to train people in a day or in a week or even in a month. It takes many months to train good constables just as it does to train good soldiers. In the circumstances, we have done our very best to keep the number at the lowest possible and irreducible minimum.

So far as the additional police for other purposes is concerned, I may read out a statement which will interest my honourable friends opposite who even so, I am afraid, will not give us credit for doing our best to economise in the personnel and the expenditure on the police. The additional police in the province in 1936 consisted of 530 constables, 44 head constables, 11 assistant sub-inspectors, 11 sub-inspectors, 2 inspectors and 1 Superintendent of police. In 1937 we reduced the number to 411 constables, 84 head constables, 9 assistant sub-inspectors, 9 sub-inspectors, 2 inspectors, and the post of the superintendent of police was abolished. After that, as my honourable friends are aware, there were some communal riots, and there was political trouble in connection with the kisan agitation, but in spite of that the total strength has never been allowed to go beyond 400. In spite of the communal riots and the kisan agitation we have not allowed the number to be increased, but additional police for war purposes was inevitable and even if we had refused it, it would have been forced upon us. But we have done it for our own safety. Therefore as I have stated, we had to employ these people and we have kept the number as low as possible. Later on we may have to increase them up to the number which gives the full quota required in an emergency. We think that we will be able to carry on with the reduced quota in spite of the dacoities to which my honourable friend has referred.

It might interest honourable members to know what are the duties of a provincial police force in the kind of emergency which has arisen on account of the war. There are the arrangements to control aliens. My honourable friends perhaps think that that is a very minor matter. It is not. It is a very big matter, and it requires a good deal of vigilance and a great deal of scrutiny, and after that a great deal of personal interest, to see that the aliens do not make mischief. Then there are air raid precautions to be taken. My honourable friends will say that we are not worried about air raids. We are not, and I do hope we will not be worried about them, but if we are, we have to provide for them. We have to provide additional police to help in this matter and to see that there is no panic on account of air raids. There are, then, the arrangements to protect vulnerable points, including post and telegraph offices. Now that is not a small matter. My honourable friend knows that there are large numbers of post offices, important post offices, which have to be guarded, and telegraph offices, railway bridges and also railway lines. There are the arrangements to control aircraft. We have very few air craft at the moment but if an

emergency arises, the number may increase considerably. We have also to make arrangements to control internal unrest. My friends will concede that there is a possibility of internal unrest, although we hope that this province will remain free from it. There is such a possibility and we have to forestall it and be prepared for it. We want all these arrangements to be complete, and we also want certain posts where police can be stationed and take action where necessary. It is thus the duty of the Provincial Government to strengthen the provincial police force which, if necessary, will be further strengthened without any hesitation so far as we are concerned.

I may also point out for the information of my honourable friend opposite that so far as the financial commitments are concerned, there is a redeeming aspect also and that is that we have been able to persuade the Government of India to pay a portion of the cost and they have agreed to pay about Rs. 1,00,000 and we have put in a claim for another Rs. 50,000. They will contribute about Rs. 1,50,000 on account of war emergency duties. If we get that amount our own liabilities will be reduced to that extent. We are all very much concerned about dacoities in the Eastern range and as a matter of fact at the present moment the Inspector-General of Police himself has gone to that range to look into the matter and to re-organise the police force there. But, unfortunately, the instance to which my honourable friend from Ludhiana was referring happened at a time when the police force was immobile on account of Muharram. We must admit to our shame that, at these religious occasions, we need a large number of additional police to preserve peace and tranquillity. It is not anybody's fault but our own, and the honourable members instead of pillorying us should try to educate the people to behave like ordinary peaceful citizens.

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

For that reason the police force was not available. Now, as a matter of fact, additional police force have already been sent there solely for the purpose of rounding up these dacoits and as soon as the Inspector-General comes back I propose to have a conference in which we will consider the posting of an officer of suitable seniority because it is essential to have a very energetic and courageous officer to deal with the dacoits. It is also necessary to make the police more mobile by mounting them, or by providing them with motor transport or other vehicles, which would enable them to move about more easily from one place to another. Then unfortunately we also have now on several occasions political processions where people go about armed with lathis and other weapons more or less to inspire confidence amongst their own partisans and to overawe their opponents, and this is another unfortunate aspect of our political life which the leaders of the various political parties must remove as soon as possible. I might inform my honourable friend that unless we put out heads together and stop these kinds of demonstrations, there may be serious trouble and I personally also might warn them that if these processions are not forbidden by the parties concerned, then I may have to take action to forbid them, except those which are religious and which have been in existence for centuries. No new innovation for political purposes should, I think, be allowed and if we cannot voluntarily persuade these people to give them up, I am afraid Government will have to ban them by other measures in the interests of

[Premier.]

law and order in the province. I do not think I need take any more time of the House, but I might in conclusion point out to my honourable friend Mr. Dev Raj Sethi that nobody would be more pleased than I to see that everybody is non-violent. But I must also warn him that the Government in the Frontier Province has not been able to stop violence by non-violence, and therefore we must be prepared for violence on our side. We must be perfectly non-violent, but we must make sure that we answer in the same coin, those who do not see eye to eye with us.

Dr. Sir Gokul Chand Narang : Speak to them in the same language.

Premier : Yes, speak to them in the same language.

Mr. Speaker : Question is—

That the item of Rs. 1,28,700 on account of District Executive Force (Police) be reduced by Rs. 100.

The motion was lost.

Mr. Speaker : Question is—

That a supplementary sum not exceeding Rs. 1,79,340 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 Police.

The motion was carried.

INDUSTRIAL DEVELOPMENT.

Minister for Finance : I beg to move—

That a supplementary sum not exceeding Rs. 18 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 Industrial Development not charged to Revenue.

The motion was carried.

SUPERANNUATION ALLOWANCES AND PENSIONS.

Minister for Finance : I beg to move—

That a supplementary sum not exceeding Rs. 2,03,800 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 Superannuation Allowances and Pensions.

The motion was carried.

TOKEN DEMANDS.

LAND REVENUE.

Minister for Finance : I beg to move—

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.

The motion was carried.

FORESTS.

Minister for Finance : I beg to move—

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 Forests.

The motion was carried.

IRRIGATION, NAVIGATION, ETC.

Minister for Finance : I beg to move—

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 Construction of Irrigation, Navigation, etc.

The motion was carried.

IRRIGATION WORKS.

Minister for Finance : I beg to move—

That a token sum not exceeding Rs. 10 be granted to the Governor to defray the charges that will come in the course of payment for the year ending 31st March, 1940, in respect of Construction of Irrigation Works, etc.

The motion was carried.

EDUCATION.

Minister for Finance : I beg to move—

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).

The motion was carried.

VETERINARY.

Minister for Finance : I beg to move—

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 Veterinary.

The motion was carried.

INDUSTRIES.

Minister for Finance : I beg to move—

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.

Mr. Speaker : Motion moved—

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.

Chaudhri Krishna Gopal Dutt (North-Eastern Towns, General Urban) (Urdu) : Sir, I beg to move—

That the demand be reduced by Rs. 1.

[Ch. Krishna Gopal Dutt.]

Sir, we have sacrificed many a cut motion for this particular cut motion. Although other motions were also important yet this was the most important motion. I, hope, therefore, that the honourable members of this House will consider it seriously and dispassionately. A demand has been made for Rs. 10 and its object is given in Supplementary Estimates in the following words :—

The successor of the present Director of Industries, Punjab, has been selected. He has been placed on special duty to undergo a course of training. He will work in the department, and also undertake a tour to visit other industrial centres in India. The expenditure involved during the current year will be met from savings within the grant. A token demand is accordingly submitted.

I should like to submit that this step has been taken as a result of a conspiracy. The principle underlying the policy of the Government is highly objectionable and the motives with which they have been actuated are ignoble. If all the facts regarding this matter are placed before the House and the honourable members sitting opposite are allowed by the Honourable Minister for Development to use their discretion, I am sure, a majority of them will vote with me. But as things stand, that is not going to be the case. We are all chained by the bonds of parties. I am, however, going to express my own feelings on the subject.

Sir, as we all know the Department of Industries has been under Rai Bahadur Ram Lal for the past several years. Previous to his taking the charge of this department, he was an Extra Assistant Commissioner. It is about ten years back that the Government appointed him to this exalted post. In fact he made it exalted by his unparalleled industry, ability, honesty and devotion to duty. He is thoroughly conversant with the affairs of this department. His honesty and integrity are above reproach. None can rival his knowledge of this department. He has no equal in this field. What is the reason of terminating prematurely the services of this competent and experienced officer as Director of Industries ? I am going to discuss the reactions of this step of the Government upon the public. I want to describe the mental reaction of people in this respect. I am afraid that if I fail to express my feelings fearlessly and frankly, I will be failing in my duty. In fact Rai Bahadur Ram Lal has yet to complete three years more service under the Government. (*Chaudhri Muhammad Hasan*: He has already been granted extensions). That extension relates to his present post and not to his service under the Government. Only one year's service-extension has been given to him while previously the Government had a mind to give him longer extension. The Government should have allowed Rai Bahadur Ram Lal to continue in this Department. What is more distressing than this is the fact that he is now compelled by the authorities to proceed on leave against his own will, and I understand he has submitted an application for leave under this pressure. He was not prepared voluntarily to accept any lower post than the one he held up to this time. But the question of all questions is as to why this competent officer is being coerced like that. Why is he being ousted from this post ? What is the secret reason ? Why should the Government deprive themselves of the services of this experienced officer ? Why is Rai Bahadur Ram Lal being replaced by a novice ? I would not say anything about his successor. A

number of rumours are afloat in this city about this affair. Some of them would be called as irresponsible if I were to mention them here. I do not want to talk like an irresponsible person. I am very patient. The affair is rather delicate and serious.

Sayed Mohy-ud-Din Lal Badshah : Sir, are we to discuss personalities here or matters of public interest ?

Mr. Speaker : Matters of public importance.

Sayed Mohy-ud-Din Lal Badshah : But the honourable member is discussing personalities.

Chaudhri Krishna Gopal Dutt : I am not discussing any personalities. If I have said anything offensive, I am prepared to take it back.

Sayed Mohy-ud-Din Lal Badshah : The honourable member is trying to praise the virtues of a single man in a rather exaggerated tone.

Chaudhri Krishna Gopal Dutt : The truth is that the Government is going out of its way to bring in a particular person. Otherwise there is no need to oust an experienced and competent officer. The new man will not have the ability and experience of Rai Bahadur Ram Lal. The city of Lahore is flooded with all sorts of rumours. I am not concerned with those rumours and misgivings. I am concerned with the great interest that the Premier and the Minister of Development have been taking in the matter. This matter has become the biggest scandal in the city. Rai Bahadur Ram Lal.....

Chaudhri Muhammad Hasan : Do not mention the name Rai Bahadur Ram Lal so often. Mention the name of his successor.

Chaudhri Krishna Gopal Dutt : People say that of all the scandals of this Ministry, this is the biggest scandal that they have seen since the coming into power of this Government. Rai Bahadur Ram Lal has no equal in his vast knowledge of the department of Industries. I know that the Unemployment Committee have recommended that when an officer is due to retire, no extension should be granted to him. That does not apply to Rai Bahadur Ram Lal because there are still three years left for his retirement. I fail to see why an able officer of the unique experience of Rai Bahadur Ram Lal should not be granted further extension as Director of Industries.....

Sayed Amjad Ali Shah : On a point of order, Sir. I understand that guillotine is to be applied at 8-45. I hope the Honourable Minister of Development will be given an opportunity to reply to the debate before guillotine is applied.

Chaudhri Krishna Gopal Dutt : Most of the demands have been put to vote. Only one or two demands remain yet to be put to vote.

Mr. Speaker : But I have to observe the rules in force.

Chaudhri Krishna Gopal Dutt : Very well, Sir. I will be very brief in my observations. As I said before, this has become the biggest scandal and people say that Rai Bahadur Ram Lal is going to be a victim of nepotism. It is said a quarrel took place at the house of the Premier about this matter. Sir Chhotu Ram came to the rescue and assured the ousting of Rai Bahadur Ram Lal who has been regarded as a thorn by the Ministry ever since their coming to power.

Mr. Speaker : Imputations of motives to the actions or language of any honourable member is unparliamentary.

Chaudhri Krishna Gopal Dutt : Sir, I have no intention to impute motives or make personal attacks on anybody. I simply want to apprise the House of this fact that Rai Bahadur Ram Lal has been sacrificed for the sake of a person who is a kith and kin of the Honourable Premier. As a matter of fact the successor of the out-going Director of Industries is a brother-in-law of Sir Sikander and an younger brother of my honourable friend Mir Maqbool Mahmood. I fully realise that the subject on which I am talking is a delicate one and is likely to cause provocation to my honourable friends opposite but I cannot help it. It is a statement of facts. Besides, the man who has been selected for the job has absolutely no experience or knowledge of the working of the Department of Industries. He has been only working as an Under-Secretary in some other department. *(Interruptions)*. My honourable friends are unnecessarily getting restive. I want to emphasise one fact and that is that an experienced and an efficient officer, Rai Bahadur Ram Lal, has been asked to go out to make room for a person who has the qualification of being a favourite with the Government.

Mr. Speaker : Demand under consideration, motion moved is :—

That the demand be reduced by Re. 1.

Minister for Development (The Honourable Chaudhri Sir Chhotu Ram) *(Urdu)*: Sir, as the time at my disposal is very short, I would endeavour in a few sentences to refute the allegations made by the mover of this cut motion. Let me tell my honourable friend opposite at the very outset that the Honourable Premier has had absolutely no hand in this appointment. *(Hear, hear, from the ministerialist benches)*.

Chaudhri Krishna Gopal Dutt : This is absolutely wrong and I know it for a fact.

Minister for Development : I may point out that every person judges others by his own standard of conduct and character. That is why my honourable friend had the audacity to make such unworthy insinuations. I say it again without any fear of contradiction that anybody who has any inkling of the facts would bear me out that Sir Sikander had nothing to do with this matter. He never proposed any names for this job. He was not even consulted about the selection of the Director designate. As a matter of fact cases of more persons than one were considered by me on their merits but they were found to be either not suitable or not available for the post. When the name of Mr. Hasan Mahmood came under consideration and I sought to consult the Honourable Premier, he refused point blank to say anything in the matter. Then after consulting His Excellency the Governor, I selected Mr. Hassan Mahmood for this post. I may make it clear to the House that the sole responsibility for selecting the new incumbent lies on my shoulders. I, therefore, declare, unhesitatingly that the insinuations made by the mover to the effect that Rai Bahadur Ram Lal has been a victim of nepotism or conspiracy and that Mr. Hasan Mahmood's appointment has been brought about on the score of his being a brother-in-law to the Honourable Premier, are wholly unjustified and entirely unfounded. So far as Rai Bahadur Ram Lal is concerned, he is a capable officer. Nobody can question his ability. I am fully satisfied with his work. But

this does not mean that if he has been holding the reins of Industries Department for the last ten or twelve years, he should not be shifted from this post till his retirement. I am constrained to remark that the mover said things which have deeply pained us. Those remarks were most unworthy. The tragedy lies in the fact that my honourable friend has tried to lay charges at our door without caring to find out their authenticity. I do not want to take any more time of the House but I would repeat my assertion that there is not an iota of truth in the allegations of nepotism made by the honourable mover of the cut motion.

Chaudhri Krishna Gopal Dutt : May I say a few words, Sir?

Mr. Speaker : No. The time is up and I have to apply guillotine.

Chaudhri Krishna Gopal Dutt : Sir, I wanted simply to say that he has killed his conscience.

Minister for Development : Sir, are the words, "he has killed his conscience" parliamentary?

Mr. Speaker : No, these words are unparliamentary and the honourable member should not have uttered them.

Question is—

That the demand be reduced by Rs. 1.

The Assembly divided : Ayes nil, Noes 63.

AYES : Nil.

NOES : 63.

Abdul Hamid Khan, Sufi.
Abdul Haye, The Honourable Mian.
Abdul Rab, Mian.
Abdul Rahim, Chaudhri (Gurdaspur.)
Abdul Rahim, Chaudhri (Gurgaon.)
Afzaalali Hasnie, Sayed.
Ahmad Yar Khan, Chaudhri.
Akbar Ali, Pir.
Ali Akbar, Chaudhri.
Amjad Ali Shah, Sayed.
Anant Ram, Chaudhri.
Badar Mohy-ud-Din Qadri, Khan Sahib Sayed.
Bhawant Singh, Rai.
Chhotu Ram, The Honourable Chaudhri Sir.
Dasaundha Singh, Sardar.
Faqir Hussain Khan, Chaudhri.
Farman Ali Khan, Subedar-Major Raja.
Fazl Ali, Khan Bahadur Nawab Chaudhri.

Fazal Din, Khan Sahib Chaudhri.
Few, Mr. E.
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.
Indar Singh, Sardar.
Jafar Ali Khan, M.
Jagjit Singh Bedi, Tikka.
Jagjit Singh Man, Sardar.
Khizar Hayat Khan Tiwana, The Honourable Major Nawabzada Malik.
Manohar Lal, The Honourable Mr. Mohy-ud-Din Lal Badshah, Sayed.
Muhammad Faiyaz Ali Khan, Nawabzada.
Muhammad Hussain, Chaudhri.

Muhammad Nawaz Khan, Major Sardar Sir.	Pritam Singh Siddhu, Sardar.
Muhammad Qasim, Chaudhri.	Ranpat Singh, Chaudhri.
Muhammad Saadat Ali Khan, Khan Bahadur Khan.	Riasat Ali, Khan Bahadur Chau- dhri.
Muhammad Sarfraz Khan, Chau- dhri.	Ripudaman Singh, Rai Sahib Thakur.
Muhammad Yasin Khan, Chaudhri.	Roberts, Sir William.
Muzaffar Ali Khan Qizilbash, Sar- dar.	Sahib Dad Khan, Khan Sahib Chau- dhri.
Muzaffar Khan, Khan Bahadur Captain Malik.	Shahadat Khan, Khan Sahib Rai.
Muzaffar Khan, Khan Bahadur Nawab.	Shah Nawaz, Mrs. J. A.
Nasir-ud-Din Shah, Pir.	Sultan Mahmood Hotiana, Mian.
Naunihal Singh Mann, Lieutenant Sardar.	Sumer Singh, Chaudhri.
Nawazish Ali Shah, Sayed.	Sundar Singh, Majithia, Tehe Hon- ourable Dr. Sir.
Pohop Singh, Rao.	Suraj Mal, Chaudhri.
Prem Singh, Chaudhri.	Tara Singh, Sardar.
	Tikka Ram, Chaudhri.
	Ujjal Singh, Sardar Bahadur Sar- dar.

Diwan Chaman Lall : Mr. Speaker, a large number of members of the opposite benches shouted 'No' when they wanted a division.

Mr. Speaker : The question was whether the amendment be passed. They said, 'No.'

Diwan Chaman Lall : Originally a number of honourable members on the other side shouted 'Ayes'.

Mr. Speaker : Only one honourable member said "no".

Khan Bahadur Nawab Muzaffar Khan : And he did not vote. Khan Sahib Shaikh Muhammad Amin has not voted.

Mr. Speaker : The honourable member Khan Sahib Shaikh Muhammad Amin, claimed division for 'Ayes'. Therefore, it was his duty to vote for "Ayes". (*Cheers from opposition benches.*)

Lala Bhim Sen Sachar : On a point of order. The attitude of the honourable member is clearly guilty of obstructing the business of the House.

Khan Sahib Shaikh Muhammad Amin : No. I just wanted to test the courage of the honourable members on my right.

Lala Bhim Sen Sachar : My submission is that the honourable member claimed a division but he has not gone to the division lobby himself. He has not voted and in spite of your enquiry and in spite of your suggestion that he should go and vote, he has refused to vote. Will it not be reasonable to presume that all this he did with a view to obstruct the business of the House and consequently waste the time of the House, and therefore, the conduct of the honourable member calls for a severe action at the hands of the Chair so that in future such practices may not be indulged in because these practices are hardly dignified?

Mr. Speaker : I entirely agree with the honourable member. It is highly irregular and unparliamentary to force such a division. It was the

duty of the honourable member to vote with his voice. But as he has not done so I order that his vote should be counted with "Ayes".

Rai Bahadur Mukand Lal Puri : Is there anything preventing him from changing his mind ? He can vote whichever way he likes.

Mr. Speaker : The voice binds the vote. Therefore, a member who gave his voice with the "Ayes" or "Noes" when I took the sense of the House by voices, is bound to vote with them. He cannot change his mind and vote against his voice and if he does not vote or votes against his voice, his voice should be counted on the side of 'Ayes' or 'Noes' as the case may be.

According to my ruling the result of the division is—

Ayes : 1 *Noes* 68.

The following demands were then put from the Chair and carried :—

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 charges on Public Works Department, Hydro-Electric Establishment, etc.

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 Miscellaneous.

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 Advances Repayable.

The Assembly then adjourned till 2-30 p.m. on Friday, 1st March, 1940.

[illegible][illegible]

1990年12月15日，在“中国—东盟”贸易合作会议上，中国外经委副主任王毅在会上的讲话中，第一次正式提出“中国—东盟自由贸易区”的概念。

1. The first step is to identify the problem. This involves understanding the current situation and what needs to be changed.

9900 Hwy 2, Appleton, WI 54912

PUNJAB LEGISLATIVE ASSEMBLY.

SIXTH SESSION OF THE FIRST PUNJAB LEGISLATIVE ASSEMBLY

Friday, 1st March, 1940.

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

STARRED QUESTIONS AND ANSWERS.

NEW TOWN PLANNER FOR AMRITSAR MUNICIPAL COMMITTEE.

***6060. Dr. Sant Ram Seth :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that a new Town Planner has been employed by the Municipal Committee of Amritsar; if so, (i) his qualifications, (ii) the date of his appointment; (iii) his monthly salary together with the amount of his allowances, if any, and (iv) the period for which he has been employed?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh)
The answer to the first part is in the affirmative.

As regards the second part a statement is laid on the table.

(i) Qualifications :—

B.Sc. (Aligarh).

Diploma Civil and Municipal Engineering, University College (London).

B.Sc. Engineering (London).

Certificate in Town Planning University College (London).

Associate Membership of the Town Planning Institute.

Associate Membership of the Institute of Civil Engineering.

Passed the Associate Membership Examination of the Institute of Structural Engineers.

Has worked in the Ministry of Health Library, London, on the subject of Town Planning for six months.

Has worked as an engineer in a private concern for about a year.

Was employed as an Assistant Engineer in the Kashmir, P. W. D. for about three years.

Worked in the Indian Stores Department at the Bombay Branch for nearly six months.

Has also worked for a year and quarter in the Cawnpore Improvement Trust as an Assistant Engineer.

Has worked for 2½ years as a Trust Engineer in the Lucknow Improvement Trust.

(ii) Date of appointment :—

1st November, 1939.

(iii) Monthly salary and allowances :—

He is drawing a monthly salary of Rs. 600 in the grade of Rs. 600—20—600 plus Rs. 37-8-0 as car allowance and has been given rent-free quarters.

(iv) Period of employment :—

He has been appointed permanently.

Dr. Sant Ram Seth : May I know whether this post was advertised?

Parliamentary Secretary : I cannot say off-hand but if the honourable member wants that particular information he should give notice.

Dr. Sant Ram Seth : How many applications were received?

Parliamentary Secretary : I want notice for it.

ELECTION OF VICE-PRESIDENT OF TOHANA SMALL TOWN COMMITTEE.

***6093. Khan Sahib Khawaja Ghulam Samad :** Will the Honourable Minister for Public Works be pleased to state whether it is a fact that in spite of a representation made sometime ago by a majority of the members of the Small Town Committee, Tohana, to the Deputy Commissioner, Hissar, and also a requisition in the form of a resolution made to the President of the said committee for calling a meeting of the committee for the election of the Vice-President in place of the previous vice-president who died sometime ago, no meeting has been called for the purpose so far; if so, the reason therefor and the action intended to be taken in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh): No representation was received by the Deputy Commissioner; nor has the President received any requisition in the form of a resolution. The second part of the question does not, therefore, arise.

PROVINCIALIZATION OF ROADS.

***6095. Sufi Abdul Hamid Khan :** Will the Honourable Minister for Public Works be pleased to state—

- (a) the number and mileage of metalled roads constructed by the Public Works Department and District Board since the 1st April, 1937, district-wise;
- (b) the number and mileage of metalled roads that existed before the 1st April, 1937, district-wise;
- (c) the length and the name of the roads which have been provincialized under the Road Development Scheme district-wise since April, 1937;
- (d) the number, name and length of *kucha* roads that have been taken over from the District Boards since 1937 for metalling under the new scheme;
- (e) whether any special consideration has been shown to districts where there are very few metalled roads under the new scheme?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : (a), (b), (c) and (d) Four statements giving the information asked for are laid on the table.

(e) Owing to limited funds being available in the past efforts were concentrated to afford relief to the various district boards in the province in the matter of upkeep of their more important metalled roads which have been taken over for maintenance by the Public Works Department. The question of improving communications in districts backward in this respect will be considered when funds permit.

Khan Sahib Chaudhri Sahib Dad Khan : Is it a fact that on account of heavy expenditure on famine relief works the Hissar district roads have been ignored in the matter of provincialization?

Minister for Public Works : No; as a matter of fact according to the programme more money is to be spent on the roads in Hissar.

Khan Sahib Khawaja Ghulam Samad : How many roads were metalled in the last year in the Hissar district?

Minister : I cannot give that information off-hand but if the honourable member wants that information it can be collected if notice of the question is given.

Khan Sahib Khawaja Ghulam Samad : I want to know the number of roads metalled during the famine days in the Hissar district.

Parliamentary Secretary : I want notice for that.

(a)

Statement showing mileage of new metalled roads constructed by the Public Works Department and District Boards from 1st April, 1937, to 31st December 1939, district-wise.

Serial No.	District.	LENGTH (IN MILES) METALLED.		REMARKS.
		By P. W. D.	By District Board.	
1	Rohtak	11.86	Information not available and will require considerable time to collect.	
2	Hoshiarpur	34.30		
3	Ferozepore	18.91		
4	Shahpur	10.00		
5	Gujranwala	7.19		
6	Jhang	35.43		
7	Lyallpur	45.60		
8	Attock	9.00		

(b)

Statement showing mileage of metalled roads in charge of Public Works Department and District Boards that existed before the 1st April, 1937, districtwise.

Serial No.	District.	METALLED MILEAGE.		REMARKS.
		Under P. W. D.	Under District Board.	
1	Hissar	110	22	
2	Rohtak	140	97	
3	Gurgaon	144	50	
4	Karnal	137	33	
5	Ambala	103*	93	*Includes mileage in Indian States also.
6	Simla	56*	..	
7	Kangra	98*	..	
8	Hoshiarpur	13	64	
9	Jullundur	70*	117	
10	Ludhiana	66*	90	
11	Ferozepore	134	85	
12	Lahore	189	47	
13	Amritsar	95	49	
14	Gurdaspur	115*	36	
15	Sialkot	74	7	
16	Gujranwala	114	9	
17	Sheikhupura	120	24	
18	Gujrat	38	48	
19	Shahpur	79	97	
20	Jhelum	39	11	
21	Rawalpindi	139†	40	†Includes 8 miles in N.-W. F. P.
22	Attock	132	6	
23	Mianwali	16	4	
24	Montgomery	244	50	
25	Jhang	38	19	
26	Lyallpur	58	99	
27	Multan	243	56	
28	Muzaffargarh	53	..	
29	Dera Ghazi Khan	32	..	

(c)

Statement showing name and length of roads which have been provincialized under the road development scheme district-wise since April, 1937.

Serial No.	District.	Name of road.	LENGTH IN MILES.		REMARKS.
			Metal- led.	Unmetal- led.	
1	Hissar ..	Nil.			
2	Rohtak ..	Rohtak-Jhajjar ..	19.81	..	
		Najafgarh-Bahadurgarh ..	..	1.86	Since metalled.
		Jhajjar-Rewari ..	..	14.38	10 miles since metalled.
		Total ..	19.81	16.24	
3	Gurgaon ..	Jhajjar-Rewari ..	..	14.38	
		Nuh-Palwal ..	18.71	..	
		Sohna-Palwal ..	17.62	..	
		Total ..	36.33	14.38	
4	Karnal ..	Karnal-Indri ..	5.0	..	
		Pipli-Pehowa ..	19.60	..	
		Total ..	24.60	..	
5	Ambala ..	Rupar-Chandigarh ..	31.50	..	
		Ambala-Shahzadpur ..	18.00	..	
		Total ..	49.50	..	
6	Simla ..	Nil.			
7	Kangra ..	Nil.			
8	Hoshiarpur ..	Hoshiarpur-Garhshankar ..	21.20	2.09	
		Hoshiarpur-Hariana ..	7.86	0.94	
		Hoshiarpur-Una ..	11.04	11.53*	*6.38 miles since metalled.
		Total ..	40.10	14.56	

Serial No.	District.	Name of road.	LENGTH IN MILES.		REMARKS.
			Metal- led.	Unmetal- led.	
9	Jullundur ..	Kartarpur-Kapurthala	3·92	..	
		Phillaur-Rahon ..	9·20	..	
		Nakodar-Sidhwan ..	5·00	..	
		Total ..	18·12	..	
10	Ludhiana ..	Khanna-Samrala-Machhi- wara.	14·61	..	
		Jagraon-Raikot ..	13·41	..	
		Ludhiana-Samrala ..	18·68	..	
		Sahnewal-Kohara ..	2·91	..	
		Total ..	49·61	..	
11	Ferozepore ..	Malout-Muktsar	18·91	Since metalled.
		Lambi-Giddarbaha ..	10·61	..	
		Bhuchchu-Nathana ..	9·00	..	
		Talwandi-Zira ..	9·27	..	
		Moga-Kot Kapura ..	19·00	..	
		Moga-Dharmkot ..	6·42	..	
		Total ..	54·30	18·91	
12	Lahore ..	Pattoki-Chunian ..	9·00	..	
		Chunian-Changa Manga	9·00	..	
		Halla-Pattoki ..	8·00	..	
		Kasur-Bhikhiwind ..	22·00	..	
		Total ..	48·94	..	

Serial No.	District.	Name of road.	LENGTH IN MILES.		REMARKS.
			Metal- led.	Unmetal- led.	
13	Amritsar ..	Amritsar-Tarn Taran-Harika.	15.13	..	
		Tarn Taran-Goindwal ..	13.81	..	
		Total ..	28.94	..	
14	Gurdaspur ..	Gurdaspur-Nowshera ..	7.75	..	
		Gurdaspur-Shakargarh ..	11.34	10.36	
		Batala-Dera Baba Nanak	9.50	..	
		Total ..	28.59	10.36	
15	Sialkot ..	Nil.			
16	Gujranwala ..	Akalgarh-Ramnagar ..	5.48	0.22	
17	Sheikhupura ..	Nankana Sahib-Mangtanwala.	10.72	..	
18	Gujrat ..	Pindi Bahauddin-Sohawa-Ulani-Phalis.	12.75	..	
		Sohawa-Bulani-Kuthala Sheikhhan.	7.88	..	
		Gujrat-Jalalpur Jattan	7.50	..	
		Phullerwan-Miana Gondal	3.60	..	
		Gujrat-Kunjah ..	6.16	..	
		Total ..	37.89	..	

Serial No.	District.	Name of road.	LENGTH IN MILES.		REMARKS.
			Metal- led.	Unmetal- led.	
19	Shahpur ..	Sargodha-Sahiwal ..	21.50	..	*10 miles since metalled.
		Sargodha-Mari Lak ..	11.72	..	
		Khushab-Kallar Kahar ..	13.00	42.00*	
		Sillanwali-Faruka ..	9.25	..	
		Bhalwal-Sardarpur ..	9.70	..	
		Bhalwal-Kotmoman ..	11.20	..	
		Phullerwan-Miana Gondal.	5.70	..	
		Total ..	82.07	42.00	
20	Jhelum ..	Khushab-Kallar Kahar ..	..	18.00	
21	Rawalpindi ..	Rawalpindi-Kahuta ..	14.88	..	
		Rawalpindi-Saidpur-Nur- pur.	15.42	..	
		Total ..	30.30	..	
22	Attock ..	Campbellpur-Hajiahsh ..	6.13	..	
23	Mianwali ..	Nil.			
24	Montgomery ..	Okara-Dipalpur ..	15.30	..	
		Renala-Shergarh ..	10.79	..	
		Renala-Satghara ..	5.72	..	
		Montgomery-Nur Shah ..	8.01	..	
		Total ..	39.82	..	
25	Jhang ..	Jhang-Toba Tek Singh..	6.00	..	
26	Lyallpur ..	Nil.			
27	Multan ..	Khanewal-Chak Shahana	7.48	..	
28	Muzaffargarh ..	Nil.			
29	Dera Ghazi Khan.	Roads at Dera Ghazi Khan.	5.21	..	

(d)

Statement showing name and length of kucha roads that have been taken over from the District Boards since April, 1937, for metalling under the new scheme.

Serial No.	District.	Name of road.	Length in miles.	REMARKS.
1	Bohtak ..	Jhajjar-Rewari	14.38	Metalling in progress.
		Bahadurgarh-Najafgarh ..	1.86	Metalled.
2	Gurgaon ..	Jhajjar-Rewari	14.38	..
3	Hoshiarpur ..	Hoshiarpur-Una	6.38	Metalled.
4	Ferozepore ..	Muktsar-Malout	18.91	Metalled.
5	Attock ..	Khaur-Dhulian	9.00	Metalled.
6	Shahpur ..	Khushab-Kallar Kahar ..	10.00	Metalled.

LORRY-STANDS IN LAHORE.

***6103. Shrimati Raghubir Kaur :** Will the Honourable Minister for Public Works be pleased to state—

- the number of lorry-stands in the Lahore City which are situated on the Municipal land and the year since which each of them is being auctioned ;
- the number of lorry-stands which are situated on the Nazul land and the year since which each of them is being auctioned ;
- the amount received by the Lahore Municipality and the Nazul department, respectively, every year from the auction of the lorry stands mentioned in (a) and (b) above from the first year when they were auctioned up to the year 1939 ;
- the amount spent separately every year by the Lahore Municipality and the Nazul department for the proper maintenance of the lorry stands situated on their lands ;
- whether the Government has under its consideration any scheme for the establishment of new lorry-stands under the provisions of the Motor Vehicles Act of 1939 ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) :

- Four outside Lohari Gate 1932, 1933, 1937 and 1937.
One outside Delhi Gate 1935
One near Railway Station 1936
- One outside Lohari Gate 1937
One in Hira Mandi 1938
- A statement is laid on the table.

(S. B. S. Ujjal Singh.)

(d) Nil.

(e) The whole position in regard to the maintenance of stands will be changed when the rules under the new Act come into force.

Income received by the Municipality.

						Rs.
In 1932	..	..	..	..	..	47
In 1933	..	..	..	..	..	124
In 1934	..	..	..	..	..	240
In 1935	..	..	..	..	..	2,760
In 1936	..	..	..	..	..	3,030
In 1937	..	..	..	..	..	8,847
In 1938	..	..	..	..	..	11,921
In 1939	..	..	..	..	..	10,725
Total						37,684

Income received by Government.

						Rs.
In 1938	..	..	..	..	..	1,770
In 1939	..	..	..	..	..	6,100
Total						7,870

CASES OF CATTLE-LIFTING IN AMBALA DISTRICT.

***6104. Chaudhri Jugal Kishore:** Will the Honourable Minister of Public Works be pleased to state—

- the number of cattle-lifting cases reported to the police authorities in the Ambala district during the year 1939 in which *Achhut* owners have alleged that their cattle have been stolen by the zamindars or lambardars of the *Ilaga*;
- whether the police have gone to the spot in all these cases and made necessary investigation and inquiry; if not, the reasons therefor and the action Government proposes to take in the matter?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh):

(a) Ten.

(b) Yes.

Chaudhri Jugal Kishore: Is it a fact that the police have not made any inquiry into the cases of cattle-lifting in villages Tilla Kor and Kot Billa in which *Achhut* owners have alleged that their cattle have been stolen by the lambardars?

Mr. Speaker: Disallowed.

Chaudhri Jugal Kishore : Was no theft committed in the houses of *Achhuts* in the said villages ?

Parliamentary Secretary : I want notice ; I do not know.

Chaudhri Jugal Kishore : Is it not true that the lambardars had their hands in those cases of theft ?

Parliamentary Secretary : Not to my knowledge.

Khan Sahib Khawaja Ghulam Samad : Did Government receive any representation to the effect that the police did not take cognizance of the theft cases of cattle in villages Tilla and Kot Billa ?

Parliamentary Secretary : I have no information ; if the honourable member gives notice of a fresh question information will be supplied to him.

Khan Sahib Khawaja Ghulam Samad : I want to know whether Government is aware that the *Achhuts* of these villages complained to the authorities that their cattle were stolen but the police did not take any action.

Parliamentary Secretary : I want notice ; I have no information.

Mr. Speaker : I notice that Sufi Abdul Hamid Khan is present in the House. There was a question in his name. That question has been asked by another honourable member ; but that could be done only in his absence.

Parliamentary Secretary : That question has been answered.

Mr. Speaker : Yes. But its asking was irregular.

INTERFERENCE IN ELECTIONS.

*6117. **Mian Muhammad Iftikhar-ud-Din :** Will the Honourable Minister of Public Works be pleased to state whether any representation was received by him or the police authorities concerned making allegations against Sub-Inspector of Police, Station Kundian, district Lahore, regarding his interference in elections in Ganja Kalan Constituency during the last Lahore District Board Elections ; if so, whether any inquiry was held and with what result ?

Parliamentary Secretary (Sardar Bahadur Sardar Ujjal Singh) : A letter on this subject was addressed by a prominent member of this House to the Senior Superintendent of Police, Lahore, in June last, and a number of petitions and telegrams from other persons were received about the same time by the Deputy Commissioner and other officers. Inquiries made by a gazetted officer of police showed that there was no truth at all in the allegations, which appear to have been due to the refusal of the sub-inspector to assist one of the candidates in the election who had asked for his help.

Pandit Shri Ram Sharma : May I know whether all the complaints proved incorrect after the inquiries ?

Parliamentary Secretary : Yes, all were found to be false.

Pandit Shri Ram Sharma : Was this inquiry conducted by the Senior Superintendent himself ?

Parliamentary Secretary : By a gazetted officer.

Pandit Shri Ram Sharma : Who was that gazetted officer ?

Parliamentary Secretary : Is it necessary that the name of the police officer should be disclosed ? I have said that a gazetted officer of the police made the enquiry and this should satisfy my honourable friend.

Pandit Shri Ram Sharma : May I know whether he went to the spot for holding the inquiry or did he remain in Lahore ?

Parliamentary Secretary : He made the inquiry in the manner in which all such inquiries are made by responsible officers of Government.

Pandit Shri Ram Sharma : Is it within the knowledge of the Parliamentary Secretary that the inquiry was made at Lahore and the Superintendent did not go to the spot ?

Parliamentary Secretary : I have nothing more to add ; I have said that a police officer made the inquiry carefully.

Chaudhri Muhammad Hussain : Is it a fact that the inquiry was conducted by the Deputy Superintendent Police in the presence of the sub-inspector ?

Parliamentary Secretary : I have no information.

Pandit Shri Ram Sharma : May I know whether any opportunity was given to the complainants to prove their allegations ?

Parliamentary Secretary : I cannot say what procedure he exactly followed but he submitted his report after fully satisfying himself as to the correctness or otherwise of the complaint.

Pandit Shri Ram Sharma : Does the inquiry mean that the complainant should be given no opportunity to know the proceedings ?

Parliamentary Secretary : It was not a magisterial inquiry.

Lala Duni Chand : Does the official inquiry mean in the official phraseology that the complaint is referred to that very man against whom the complaint is made and his reply is no and that is official inquiry ? Or is it anything else ?

Mr. Speaker : Disallowed.

COMPLAINTS AGAINST THE HEADMASTER, PALWAL HIGH SCHOOL.

*5884. **Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) whether the Director of Public Instruction, Punjab, has recently received a representation containing complaints of misappropriation of school money and misuse of powers in other ways against the late Headmaster and Superintendent, Boarding House, attached to the Government High School, Palwal, by one Deep Chand ; if so, the action taken on the representation ;

- (b) whether the said late Headmaster, Palwal High School, was Mr. Hans Raj Vohra, who was involved in the First Lahore Conspiracy Case or some other Hans Raj?

The Honourable Mian Abdul Haye : (a) Yes, the matter is being investigated.

- (b) No, it was another person of the same name.

Pandit Shri Ram Sharma : When was this complaint received?

Minister : I cannot give the date off-hand. If fresh notice is given, I will give the reply.

Pandit Shri Ram Sharma : Was not this complaint received six months ago and yet it has not been decided?

Minister : The date was not asked in the original question. Had it been asked, I would have certainly found it out.

Lala Duni Chand : May I know if the Honourable Minister for Education knows when this embezzlement took place?

Minister : I have no information.

Pandit Shri Ram Sharma : Has that complaint been seen by the Minister himself?

Minister : I am afraid, not.

INCREASE OF DEATH RATE IN HANSI TAHSIL.

***5972. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it has come to his notice that death rate has greatly increased in certain areas of tahsil Hansi, district Hissar;

- (b) whether it is a fact that in villages Khanpore, Gurana and Kapro in the said tahsil, the number of deaths this year has reached 41, 72 and 232 respectively, as compared with 12, 78 and 92 in 1938 and 9, 40 and 87 in 1937;

- (c) if the answer to (b) be in the affirmative, the reasons for this abnormal rise in the death rate?

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

(c) Without making an elaborate inquiry, which could hardly be justified, it is not possible to say exactly why there has been an increase in these villages. Generally speaking the increase in death rate in the Hissar district shows the same seasonal variations as in other districts in the southern Punjab which are free from famine conditions. Owing to the presence of additional public health staff in the Hissar district and consequently increased supervision hardly any death now escapes registration, while in the past many deaths remained unrecorded. Besides, it has been reported that a large number of inhabitants left the district in search of work, but came back disappointed and infected with virulent malaria and that deaths have occurred amongst them as a result of illness imported from outside. I must, however, add that the deficiency in food, both quantitatively and qualitatively, is also one of the possible causes. The fact that the death

[Education Minister.]

rate has been much less than might have been anticipated is due to the measures taken by the Government for the prevention of disease and for maintaining the health of the people in the district as far as possible.

Pandit Shri Ram Sharma : Has the Government satisfied itself about this fact that the increase in the death rate of this district was due to immigration of people to other places whence they brought the infection at the time of their return ?

Minister : I have said that it was one of the factors and not the only cause.

Pandit Shri Ram Sharma : May I know the specific ratio of those who suffered in this way ?

Minister : I cannot tell the specific number of cases that were entirely due to this factor. It is certain, however, that some of those who had migrated and subsequently returned, did bring the infection from outside.

Pandit Shri Ram Sharma : Are the other provinces the storehouses of malarial parasites while the Punjab is the only place which is immune from them ?

Minister : I fail to appreciate the question.

Pandit Shri Ram Sharma : Have not these deaths been caused by famine and scarcity of food ?

Minister : I have already included the scarcity of food among the causes that I have given before.

Sardar Sohan Singh Josh : What percentage was due to malnutrition ?

Minister : It is very difficult to give a particular percentage of those cases that were entirely due to any single factor when so many factors had combined to cause an increase in the death rate of this district.

Lala Duni Chand : Has the Honourable Minister noticed that in one case the number of deaths has been three times the usual number ?

Minister : The figures of that village show this result.

Pandit Shri Ram Sharma : Do the figures of these villages represent the general conditions of the district ?

Minister : May be you are near the mark.

Pandit Shri Ram Sharma : What special arrangements were made by the Government ?

Minister : The special arrangements made by the Government have been mentioned by me off and on while replying to various questions and during my speeches. It is no use repeating the same here to-day.

SUPERSESSIONS IN THE MEDICAL DEPARTMENT.

*6111. **Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state the number of supersessions, community-wise, in the medical department of Provincial Service and also in the subordinate service in the years 1937, 1938 and 1939 ?

The Honourable Mian Abdul Haye : I am afraid I am unable to answer this question on the floor of the House as it savours of communalism. If, however, the honourable member will put down an unstarred question I will have the information collected.

SUPERSESSIONS IN THE EDUCATION DEPARTMENT.

***6112. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state the number of supersessions, community-wise, in the Education Department in the years 1937, 1938 and 1939 ?

The Honourable Mian Abdul Haye : I am afraid I am unable to answer this question on the floor of the House as it savours of communalism. If, however, the honourable member will put down an unstarred question I will have the information collected.

WATER SUPPLY SCHEME FOR TOWN COMMITTEE OF GIDDAR BAHA.

***6121. Dr. Sant Ram Seth :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that the Town Committee of Giddar Baha applied to Government for the sanction of water supply scheme in 1938 ;
- (b) whether it is also a fact that the Town Committee fulfilled all the conditions laid down by the Sanitary Board, Punjab ; if so, the progress which has been made in this connection ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) The Town Committee agreed in 1939 to fulfil the condition laid down by the Sanitary Board that a skeleton drainage scheme will be undertaken simultaneously with the water supply scheme. But, owing to financial stringency, the Board could not give a grant-in-aid to finance these schemes. The question of giving a grant-in-aid will be considered again in the next financial year.

SINKING OF WELLS FOR THE SCHEDULED CASTES.

***6129. Chaudhri Jugal Kishore :** Will the Honourable Minister of Education be pleased to state the names of the places in each district in the province where wells have been sunk during the current year out of the sum of Rs. 10,000 reserved in the budget for the year 1939-40 for sinking wells for the scheduled castes ?

The Honourable Mian Abdul Haye : A sum of Rs. 7,493 has been allotted for the construction of wells, installation of hand-pumps or providing tube wells at places, a list of which is laid on the table. The question of the distribution of the balance of Rs. 2,567 is under consideration.

List.

District.	Village.	Nature of work.	Cost.
			Rs.
Hissar ..	Kharakhri	Construction of a new well	2,754
Ambala ..	Arnauli	Ditto	934
Hoshiarpur ..	Badla	Ditto	1,677
Gurdaspur ..	Bhattian	Installation of a hand-pump	94
	Raiba	Ditto	122
Sialkot ..	Amin Shah	Provision of a tube-well	84
	Khoja Chak	ditto	78
	Gidpur	ditto	80
	Jago Chak	ditto	80
	Jhundian Dalala	ditto	78
	Dalowali	ditto	118
Sheikhupura ..	Gharyal Kalan	Installation of hand-pump	1,334
	Passianwala	Installation of hand-pump Rs. 222/3/8 per village.	
	Kirto	ditto	
	Tapiala Dost Mohd.	ditto	
	Nangal Sadhan	ditto	
	Gharyal Khurd	ditto	
		Total ..	7,433

Chaudhri Jugal Kishore : Where is Arnauli situated where the Honourable Minister says that Rs. 936 have been spent ?

Minister : I am not in a position to describe the boundaries of every village.

Lala Harnam Das : Who had made the announcement ?

Minister : Notice is required.

Chaudhri Jugal Kishore : Why did not the Government announce it properly ?

Minister : The Government had issued the circular and then depended on the representatives of the scheduled castes to inform their *baradari*.

Chaudhri Jugal Kishore : Will the Honourable Minister mention the number of all those places where notices were put up ?

Minister : I will tell if proper notice is given.

Lala Duni Chand : Is it true that it is the members of the scheduled class that badly need the wells for drinking purposes ?

Minister : In Ambala or in Lahore ?

Lala Duni Chand : May I know if anywhere wells have been sunk for the benefit of the scheduled classes ?

Minister : I have already placed a list on the table.

SPREAD OF A NEW KIND OF DISEASE IN THE FAMINE-STRICKEN AREA OF JHAJJAR TAHSIL.

***6142. Pandit Shri Ram Sharma :** Will the Honourable Minister of Education be pleased to state—

(a) whether it has come to the notice of the Government and local authorities that in the famine-stricken area of Jhajjar tahsil (Rohtak) a new kind of disease has sprung up, i.e., pain in legs followed by death ;

(b) how many such cases have been reported in the last three months and what steps have been taken in this connection by the Government ?

The Honourable Mian Abdul Haye : (a) No new kind of disease has sprung up in the famine-stricken area of Jhajjar tahsil (Rohtak), nor has any death occurred from any disease such as described. Cases of illness having pain in the legs as a symptom are extremely common both in famine and non-famine areas.

(b) No cases of illness of the kind described in the question has been reported during the last three months.

DOMESTIC SCIENCE.

***6155. Shaikh Sadiq Hasan :** Will the Honourable Minister of Education be pleased to state—

(a) whether he is aware that, although Domestic Science is a part of the curriculum of studies for girls in schools, very little attention is paid to it ;

(b) if so, what steps he intends to take in the matter with a view to making the study of this subject popular and effective ?

The Honourable Mian Abdul Haye : (a) Domestic Science is a part of the curriculum of the middle classes of recognised girls schools and includes :—

(1) hygiene, simple physiology, simple home-nursing, first-aid, and cooking (household and invalid) ;

(2) needle-work, including cutting out, sewing and machining of garments, mending, knitting and embroidery ; and

(3) laundry.

Passes in (1) and (2) are compulsory for success in the middle school examination ; (3) is an optional subject in the middle school examination, but is very popular.

[Education Minister.]

Vernacular teachers in middle schools are normally Senior Vernacular trained. In the Senior Vernacular training, hygiene and needle-work (including cutting out, sewing and machining of garments, mending, embroidery and knitting) are compulsory subjects. Cooking (household and invalid) and laundry are optional subjects, but are taken by a large number of students.

In the examination for Junior Vernacular teachers' certificate, domestic science, hygiene and needlework (including cutting out and sewing of garments, knitting and embroidery) are compulsory subjects, while cooking, household and invalid) and laundry are optionals, which are taken by a number of candidates.

There are now in the province 3 inspectresses of domestic science, who inspect these subjects in all recognised secondary schools for girls. In three of the large schools, there are also domestic science teachers who have taken a course of training either in the Lady Irwin College, Delhi, or in England.

In view of what has been stated above it cannot be said that very little attention is paid to domestic science in girls schools.

(b) Does not, therefore, arise.

Lala Duni Chand : How many schools have been started with the main object of teaching domestic science ?

Minister : I would require notice if the honourable member wants to know how many schools have recently been started. I can, however, mention to him that so far as the training of the teachers is concerned, we have opened a new institution at Sharapur where only girls from the rural areas are being admitted and the curriculum of the institution has got a definite bias towards domestic science.

Lala Duni Chand : Is it within the knowledge of the Honourable Minister for Education that besides Sharapur any other school has been opened in any part of the province ?

Minister : For the training of teachers, no.

Lala Duni Chand : For imparting education in domestic science ?

Minister : That is already being done in a number of schools.

Lala Duni Chand : Have any schools been started mainly for the purpose of giving education in domestic science ?

Minister : No.

TRAINING OF MIDWIVES IN LADY AITCHISON HOSPITAL, LAHORE.

*6156. **Diwan Chaman Lall :** Will the Honourable Minister of Education be pleased to state—

(a) whether it is a fact that the vacancies for the training of midwives at the Lady Aitchison Hospital, Lahore, are restricted only to Red Cross Stipendiaries, and those who desire to obtain training at their own cost are not admitted direct ;

- (b) whether it is also a fact that the stipends are granted to stipendiaries on a communal basis ;
- (c) whether it is a fact that all the vacancies reserved for the Red Cross Society stipendiaries in this connexion are filled up every year ;
- (d) the total number of mid-wives trained every year through the Lady Aitchison Hospital as well as through other recognised institutions in the Punjab ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Government have no information.

(c) Yes.

(d) A statement for the last 5 years is laid on the table.

Statement showing the number of midwives certificated under the Punjab Central Midwives Board, Lahore, for the last 5 years (from 1935 to 1939).

Lady Aitchison Hospital, Lahore.	Lady Willingdon Hospital, Lahore.	Lady Reading Hospital, Simla.	Medical School, Ludhiana.	Frances Newton Hospital, Ferozepore.	Holy Family Hospital, Rawalpindi.	Farer Hospital, Bhawal.	Memorial Hospital, Sialkot.
1	2	3	4	5	6	7	8
1935 2	3	4	12	1	..	..	1
1936 2	2	1	19	..	4	1	..
1937 3	5	1	24	5	..	1	..
1938 3	2	2	27	1	2	..	..
1939 5	2	4	17	1	7	..	..
Total .. 15	14	12	99	8	13	2	1

Diwan Chaman Lall : May I know whether it is not a fact that the Lady Aitchison Hospital is a public institution run by the Government or with the assistance of the Government ? If so, should not the training of these people be a matter for the consideration of the Government instead of being a monopoly of the Red Cross Society ?

Minister for Education : It is a matter for the consideration of the Government.

Diwan Chaman Lall : Why has not Government considered the advisability of throwing this open for all people instead of keeping it the concern of the Red Cross Society alone ?

Minister : On two previous occasions it was thrown open to all, i. e., not only stipendiary students of the Red Cross were admitted but others also were admitted, but almost invariably those who were non-stipendiary did not complete their course and left it in the middle and therefore all labour was lost. It is rather a difficult and a lengthy course. In the case of stipendiaries, they have to execute an agreement that they would complete the course and if they fail to complete it, they are required by the terms of their agreement to refund the money drawn as stipend. On two previous occasions the experiment was tried. I have again issued instructions that non-stipendiaries be also admitted. But they would be required to execute an agreement and put in a security so that they will forfeit the amount of security if they do not complete the course.

SCHOLARSHIP'S GRANTED FOR TRAINING OF DAIS AND NURSES IN KANGRA DISTRICT.

***6166. Rai Bahadur Lala Gopal Das :** Will the Honourable Minister for Education be pleased to state the number of scholarships granted for training as trained *dais* and as nurse *dais* to suitable women in the Kangra district from the Budget grants for the year 1939-40 ?

The Honourable Mian Abdul Haye : The number of scholarships is 9 and 2 respectively.

REFUSAL FOR THE GRANT OF SCHOLARSHIP TO BIBI SURAT KAUR OF KHARAR.

***6200. Mrs. Duni Chand :** Will the Honourable Minister of Education be pleased to state—

- (a) whether it is a fact that Bibi Surat Kaur, daughter of one Run Singh of Kalibar village, tahsil Kharar, district Ambala, successfully competed and won a scholarship available to the students of fourth primary class ;
- (b) whether it is also a fact that after a good deal of correspondence between the Education department and the District Board, Ambala, she has been refused the grant of the scholarship won by her on the ground that she being a girl is not entitled to it ; if so, the authority for taking this ground for refusing the scholarship ?

The Honourable Mian Abdul Haye : (a) Yes.

(b) Yes. Under the existing orders girls are not eligible for middle school scholarships reserved for boys.

Lala Duni Chand : The Honourable Minister has entirely missed the point. The point is whether it is not a fact that scholarships have been refused on the ground that under a certain rule the word ' he ' is used and that rule is interpreted to mean that the word ' he ' does not include ' she ' ?

Minister : I am very glad that the honourable member has grasped the point raised by the honourable lady member. I have tried to make it clear that under the present circumstances, we have got a four years' primary course for boys and a five years' primary course for girls ; therefore the

rules for boys are quite different from the rules for girls. A girl who chooses to go to a school for boys and passes four classes is not entitled to a stipend or a scholarship reserved for boys.

Lala Duni Chand : Again the Honourable Minister has missed the point. Is it not true that the correspondence proceeded on the question of the interpretation of a certain rule and not on the basis whether a certain scholarship is available for girls? The whole question involved was one of interpretation of the word 'he'. How does the Honourable Minister agree with the interpretation?

Minister : For the simple reason that the scholarship in question was reserved for boys and the claimant was a girl.

Lala Duni Chand : May I know if he had satisfied himself that that is not the reason for refusing the scholarship?

Minister : It is.

Lala Duni Chand : Are you aware of the fact that a lot of correspondence passed between the district board and the Director of Public Instruction as regards the interpretation of the rule?

Minister : Under the rules all that we had to ascertain was whether the claimant was a boy or a girl and she unfortunately turned out to be a girl and even this House cannot convert a girl into a boy (*laughter*).

Mrs. Duni Chand : Is it a fact that the said girl obtained as many marks as are necessary for winning a scholarship, but after a considerable correspondence between the district board and the Education Department, she was refused the award of a scholarship on the score of its being reserved for boys?

Minister : That is what I have already replied. The scholarships reserved for boys cannot, under the rules, be granted to girls, because there are separate scholarships for girls. The honourable lady member should remember that under the rules, a girl studying with boys will have to pass the fifth class also before she can qualify for an award of scholarship.

Mrs. Duni Chand : I have not been able to follow the Honourable Minister. It is immaterial whether a scholarship is reserved for boys or girls. But is it a fact or not that a scholarship is awarded on the basis of marks obtained by the competitors? If so, may I know the reasons for refusing a stipend to the girl in question?

Minister : There is no doubt that the scholarships are awarded on the basis of marks obtained, but the difficulty is that the rules provide separate scholarships for boys and girls. The scholarships reserved for boys cannot be given to girls and *vice versa*, especially when the standard of primary education for girls is also different.

OFFER OF A BUILDING FOR A MIDDLE GIRL SCHOOL AT ZIRA.

*6208. **Sayed Amjad Ali Shah :** Will the Honourable Minister of Education be pleased to state whether he has recently received an offer of a building for a middle girl school at Zira in the Ferozepore district; if so, when that offer is intended to be availed of and the girl school to be started?

The Honourable Mian Abdul Haye : No offer of a building was made but the district board agreed to retransfer to Government as a site for a girls' school a plot of Government land in their charge. The possession of this land has since been resumed, and it is proposed to make use of it for constructing a Government vernacular middle school for girls when funds can be found.

**AMAR SINGH, AN ABSCONDER IN THE BABAR AKALI
CONSPIRACY CASE.**

***5085. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) whether it is a fact that Amar Singh, an absconder in the Babar Akali Conspiracy Case, was arrested in British East Africa some time last year ;

(b) whether he has since been deported to stand his trial in the Punjab ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) No.

(b) Does not arise.

OFFICIAL VERSION OF THE INCIDENTS AT THATTA.

***5088. Sardar Hari Singh :** Will the Honourable Premier be pleased to state—

(a) the official version of the recent incidents at Thatta, district Campbellpur, that occurred on the occasion of the District Political Conference ;

(b) whether further enquiry is proposed to be held to ascertain full facts ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) A correct account of the incident at Thatta, District Attock, was contained in a *communiqué* which was published in the press, e.g., in the " Tribune " of Lahore dated the 16th of June, 1939.

(b) In view of the answer given to the first part of the question, this does not arise.

Sardar Hari Singh : May I know whether it is a fact that the accused in the murder case were convicted by the district magistrate and acquitted by the sessions judge ; and, if so, whether the Government is prepared to file an appeal in the High Court against the judgment of the sessions court ?

Mr. Speaker : That is a request for action. Disallowed.

Sardar Hari Singh : I want to know whether the first portion is a fact and so far as the second portion is concerned, whether the Government has considered the question of filing an appeal in the High Court.

Parliamentary Private Secretary : I want notice of that question.

PRINCES' PROTECTION ACT.

*5120. **Sardar Hari Singh** : Will the Honourable Premier be pleased to state—

(a) reasons for promulgation of the Princes' Protection Act throughout the province ;

(b) whether the Political Department of the Government of India had urged for its promulgation ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) The reasons leading to the promulgation of Princes' Protection Act in the Punjab are contained in the Press *communiqué*, a copy of which is laid on the table.

(b) No.

Lala Duni Chand : Is it true that as a result of the application of the Princes' Protection Act to the Punjab, the Punjab states have been encouraged in starting prosecutions on a much larger scale ?

Parliamentary Private Secretary : No, Sir.

Lala Duni Chand : What is the object of applying the Princes' Protection Act to the entire province ?

Parliamentary Private Secretary : If my honourable friend will read the *communiqué*, a copy of which is laid on the table, he will be made aware of the reasons.

Lala Duni Chand : Do I understand that the Government approves of the policy of repression in the Indian States in the same way as it is approving its own policy of repression ?

Mr. Speaker : That question does not arise.

Communiqué.

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 evinced 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 wild 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 circumstances 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 tranquillity within the Punjab.

SELECTED CANDIDATES FOR P.C.S.

***5342. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) the names, and the districts of the selected candidates for P.C.S. this year taken through open competition and direct nomination;
- (b) the number of Government officials whose sons or other near relatives have been taken in the P.C.S. this year either through competition or by direct nomination?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) A statement containing the information required is laid on the table.

(b) Sons of four Government officers were selected this year on register C (direct nomination). None of those accepted on register B (competition) is the son of a Government official. With regard to the near relatives of all these candidates, it is regretted that the information is not available in the Secretariat and to collect it, by addressing all the candidates, would entail time and labour out of all proportions to the advantage to be gained therefrom.

Statement.

REGISTER B (COMPETITION).

Name.	Home district.
1. Pandit Din Dayal Sharma	.. Hissar.
2. Lala Sagar Chand Jain	.. Ambala.
3. Lala Banwari Lal Kukar	.. Ferozepore.
4. Lala Kidar Nath Mago	.. Rawalpindi. (Since declared medically unfit but the question of filling this vacancy has not been decided so far.)
5. Lala Jagdish Chandar Bhola	.. Attock.
6. Sardar Lal Singh Kang	.. Ludhiana.
7. Mr. Ahmed Shafi	.. Attock.
8. Lala Shri Chand Chabra	.. Shahpur.

REGISTER C (DIRECT NOMINATION).

1. Sardar Rajeshwar Singh Phoolka	.. Ludhiana.
2. Bhai Sher Jang Singh	.. Karnal.
3. Khan Tariq Ismail Khan	.. Jullundur.
4. Sardar Karim Nawaz Khan	.. Dera Ghazi Khan.
5. Malik Nur Ahmad Khan	.. Shahpur.
6. Khan Muhammad Yaqub Khan	.. Peshawar.
7. Malik Sher Ahmed Khan	.. Shahpur.
8. Chaudhri Muhammad Mahmud	.. Gujranwala.
9. Khan Hamid Mukhtar Ahmed.	.. Rawalpindi.
10. Sardar Sarnagat Singh	.. Gujranwala.

Pandit Shri Ram Sharma : May I know on what principle direct nominations are made ?

Parliamentary Private Secretary : If the honourable member gives me notice I will supply him the required information.

Pandit Shri Ram Sharma : May I know that sons of only those officers are nominated direct who are the 'yesmen' of the Government ?

Parliamentary Private Secretary : This may be your point of view.

Mr. Speaker : Disallowed. That is a matter of opinion.

Pandit Shri Ram Sharma : May I know whether direct nominations are made in order to remove the apparent disparity of communal proportion ?

Premier : I may inform my honourable friend that appointments are made on the recommendations of the Public Service Commission.

Sardar Bahadur Sardar Gurbachan Singh : May I know if the sons of Government officials are debarred from appearing in any competitive examination or even appearing for nomination ?

Premier : No.

Pandit Shri Ram Sharma : May I know whether the cases of sons and relatives of Government officials are especially considered for direct appointment ?

Parliamentary Private Secretary : No.

Pandit Shri Ram Sharma : Is it a fact that a son of an ex-Deputy Commissioner of Rohtak Chaudhri Ghulam Mustafa was nominated direct on account of the past services of his father ?

Parliamentary Private Secretary : It has been pointed out that appointments are made on the recommendations of the Public Service Commission.

Pandit Shri Ram Sharma : The statement that has been supplied to me shows that on the competition side 90 per cent candidates belong to one community and 95 per cent of those who have been nominated direct belong to another community. May I know the reasons for this apparent disparity ?

Premier : My honourable friend looks at everything from one point of view. There are two registers maintained for candidates for the P.C.S. One is register B for candidates recruited through open competition. There is also a register C for candidates who are nominated direct to the service. If the candidates of any single community secures more places through open competition, as Muslims did the year before last, it is necessary that other communities should get more representation on register C. This is the reason for the apparent disparity.

SPEECH OF HONOURABLE PREMIER IN THE JAT HIGH SCHOOL, ROHTAK.

*5780. **Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state whether it is a fact that in his speech on the occasion of the opening ceremony of the Cassal Hall in the Jat High School, Rohtak, on

[Pt. Shri Ram Sharma.]

8th October, 1939, he used the word "barking dogs", for his political adversaries, and also warned and threatened the district officials against showing any reasonable consideration to Congress leaders and workers of the district?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : No.

Pandit Shri Ram Sharma : Is it a fact that in his speech on the occasion of the opening ceremony of the Cassal Hall in the Jat High School, Rohtak, on 8th October, 1939, the Honourable Premier used the word "barking dogs", for his political adversaries?

Premier : I did make a speech but I did not use the words which the honourable member has attributed to me.

Pandit Shri Ram Sharma : Is it a fact that the Honourable Premier during the course of his speech stated that he has put a strong chord round the necks of the "barking dogs" and if they tried to make noise, he would pull the rope?

Premier : No dogs barked in the meeting in which I delivered my speech (*Laughter*).

Pandit Shri Ram Sharma : Will the Honourable Premier be pleased to state whether he did not use these words or something of the sort in that meeting?

Premier : No, Sir.

Pandit Shri Ram Sharma : Very well. Let the people of Rohtak come to know that the Honourable Premier denied here what he said at Rohtak. Is it a fact that while delivering his speech the Honourable Premier remarked that the officers who would be afraid of the "barking dogs" would be given black marks?

Premier : What I said was that if any officer failed to discharge his public duties on account of some one's influence he would surely get a black mark.

Pandit Shri Ram Sharma : Did the Honourable Premier not state that if the district officers acted according to the advice of the agents of the Unionist party they would not be punished?

Premier : If any officer comes under the influence of the agents of the Unionist party, he is not discharging his duties properly.

Pandit Shri Ram Sharma : May I know from the Honourable Premier whether he inquired from the district officers as to why they were influenced by the agents of the Unionist party?

Premier : On the contrary I have received information from the district officers that some people try to bring pressure on them but that they do not yield to it.

Pandit Shri Ram Sharma : Is it a fact that the Honourable Premier had formed this opinion after he had seen the agents of the Unionist party in the bungalow of the Honourable Chaudhri Sir Chhotu Ram?

Premier : No, Sir.

Mr. Speaker : This question does not arise.

ARRESTS UNDER CRIMINAL LAW AMENDMENT ACT.

***5855. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number of persons arrested and detained in the province under the Criminal Law Amendment Act, 1935, from 1st April, 1937, to 31st October, 1939 ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : 30.

BANNING ENTRIES OF PERSONS IN THE PROVINCE.

***5856. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state the number of persons (with names, if possible) prohibited from entering the Punjab, from 1st April, 1937, to 31st October, 1939 ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : 21.
It is not in the public interest to give names.

ISSUE OF WARRANTS OF ARREST AGAINST THAKUR RAM SINGH.

***5878. Pandit Shri Ram Sharma :** Will the Honourable Premier be pleased to state—

- (a) whether it is a fact that warrants under Defence of India Act have been issued against Thakur Ram Singh, member, District Board, and President, District Congress Committee, Gurgaon ;
- (b) if so, on what grounds and on the basis of which speech or speeches ;
- (c) whether the arrest has been effected ; if so, the class in which he has been placed as under-trial prisoner ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) No. Thakar Ram Singh was, however, arrested on the 21st November, 1939, under rule 38 (5) of the Defence of India Rules for doing a prejudicial act as defined in rule 34 (6) (d) ;

(b) For delivering a speech at Bharawas, district Gurgaon, on the 17th October, 1939, which was intended to prejudice recruiting to His Majesty's forces ;

(c) *First part.*—Yes.

Second part.—Better Class.

THATTA RIOT CASE.

***5936. Mr. Dev Raj Sethi :** Will the Honourable Minister of Finance be pleased to state—

- (a) the total number of accused who have been challaned in the Thatta (district Attock) Riot Case ;
- (b) the total expenses incurred by the Government so far on this case ;
- (c) the date when the case was started and the present stage of the case ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) :
(a) Nineteen.

(b) It is not possible to separate the expenditure arising from this case from the cost of the ordinary administration.

[Sayed Amjad Ali Shah.]

(c) The case was put in court on 10th June, 1939, and decided on 6th December, 1939.

Lala Duni Chand : Is it true that in this case innocent persons have been prosecuted and the accused persons have been made complainants ?

Mr. Speaker : From which answer does this question arise ?

Lala Duni Chand : Sir, this question arises from part (a) that relates to the total number of the accused who have been challaned in the Thatta Riot Case.

Mr. Speaker : No. It does not arise from that.

Lala Duni Chand : Sir, I want to get some more information about this case.

Mr. Speaker : Whether the persons were innocent or guilty cannot be asked.

Lala Duni Chand : Is it not open to me to get further information about this case ?

Mr. Speaker : The next question.

Sardar Sohan Singh Josh : Question 6082.

Diwan Chaman Lall : May I ask one supplementary question about the Thatta Case. I was under the impression that this question had not yet been reached.

Mr. Speaker : I am sorry the honourable member is too late. The next question has been asked by Sardar Sohan Singh Josh.

SARDAR IQBAL SINGH HUNDAL.

***6082. Sardar Sohan Singh Josh :** Will the Honourable Premier be pleased to state—

- (a) the exact period for which Sardar Iqbal Singh Hundal was detained in the Fort, Lahore ;
- (b) the date on which the Government decided to make him a state prisoner with the reasons for doing so, and also the date when he was transferred to the Campbellpur Jail where he is confined at present ;
- (c) what allowance is being given to him for food, clothing and for books ;
- (d) whether any allowance is paid to his dependents and relatives ; if so, how much ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Two months.

(b) He is being detained since the 22nd December, 1939, under the Defence of India Rules to prevent him from acting in a manner prejudicial to public order.

(c) and (d) The matter is under consideration. At present the detainee is being dieted at the rate of Rs. 1-6-0 per diem.

Sardar Sohan Singh Josh : Has the Government decided to give something by way of allowance to his dependents ?

Premier : The honourable member will find the answer to his supplementary question in the reply which is being given to another question to-day.

COLLECTION OF FUNDS FOR THE RELIEF OF TURKISH SUFFERERS.

***6130. Chaudhri Sahib Ram :** Will the Honourable Premier be pleased to state—

- (a) whether any orders or instructions have recently been issued by the Government to Deputy Commissioners or other Government officials to help in the collection of funds for the relief of Turkish sufferers ;
- (b) the amount of money that has so far been subscribed through official channels, districtwise ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) The attention of Deputy Commissioners was drawn to the joint appeal issued by His Excellency and by the Premier and also to the Premier's further request that public meetings should be held to pass resolutions of sympathy with Turkey. Deputy Commissioners were asked to attend and preside at meetings which might be held, and also informed that any sums which might be contributed should be sent direct to the Imperial Bank of India, Lahore.

(b) A sum of Rs. 62,070-9-11½ has so far been handed over to Deputy Commissioners as per statement laid on the table. This does not include sums promised but not yet paid.

Statement.					Amount.	
District.					Rs. A. P.	
Hissar	..	..	..	..	..	..
Rohtak	..	..	..	..	464	0 0
Gurgaon	..	..	..	..	103	0 0
Karnal	..	..	..	..	1,445	0 0
Ambala	..	..	..	..	1,139	11 0
Simla	..	..	..	..	940	6 0
Kangra	..	..	..	..	38	0 0
Heshampur	..	..	..	..	1,571	10 4½
Jullundur	..	..	..	..	1,809	2 0
Ludhiana	..	..	..	..	2,739	4 3
Ferozepore	..	..	..	..	1,985	15 0
Lahore	..	..	..	..	5,821	7 9
Amritsar	..	..	..	..	851	4 0
Gurdaspur	..	..	..	..	2,687	4 6
Sialkot	..	..	..	..	5,551	3 7
Gujranwala	..	..	..	..	1,074	13 3
Sheikhpura	..	..	..	..	535	4 6
Gujrat	..	..	..	..	5,650	9 8
Shahpur	..	..	..	..	7,108	15 6
Jhelum	..	..	..	..	1,140	15 6
Rawalpindi	..	..	..	..	3,514	8 0
Attock	..	..	..	..	1,203	2 0
Mianwali	..	..	..	..	918	12 0
Montgomery	..	..	..	..	724	12 0
Lyallpur	..	..	..	..	3,254	11 0
Jhang	..	..	..	..	5,846	1 3
Multan	..	..	..	..	2,974	12 6
Muzaffargarh	..	..	..	..	174	0 0
Ders Ghasi Khan	..	..	..	..	802	0 3
TOTAL ..					62,070	9 11½

COLLECTION OF FUNDS FOR WAR BY COMMISSIONERS AND DEPUTY COMMISSIONERS.

***6144. Chaudhri Sahib Ram :** Will the Honourable Premier be pleased to state whether any orders or instructions have been issued by the Government to the Commissioners and the Deputy Commissioners in the Punjab for the collection of funds for war ; if so, the total amount raised up to this time through official agencies for the purpose with the amount of money raised districtwise ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : No official instructions were issued for the collection of funds but as a large amount of money was subscribed from the beginning of the War, and offers of help of various kinds were also received both by Government and by local officers, instructions were issued for dealing with these matters and His Excellency the Governor recently opened a Punjab Branch of His Excellency the Viceroy's War Purposes Fund, details of which were published *in extenso* in all leading newspapers of the province on the 28th and 29th January last. A copy of His Excellency's appeal is laid on the table. It is not known yet what amount of subscriptions have been received districtwise as a result of this appeal.

Statement.

Ever since the outbreak of war I have been receiving from individual Punjabis of every class and community spontaneous offers of financial assistance in furtherance of India's war effort. Similar offers have been received by the Premier and also by Commissioners and Deputy Commissioners.

In 1914-18 a number of separate funds were raised for different objects connected with the war. In this province, for instance, apart from money collected for the relief of the sick and wounded, there was an Aeroplane Fund, a Comforts Fund and a Recruiting Fund. To all these various funds the people of the Punjab contributed with their usual generous liberality and the total sum raised by free gifts amounted to well over Rs. 55,00,000. This was in addition to about 8½ crores subscribed to various War Loans.

Owing to the difficulty of foreseeing the part which India will be called upon to play in the present struggle, it has not so far been possible to appeal for funds for any specific object — other than the Red Cross and St. Dunston's — or to give any clear guidance to those who are anxious to make some immediate contribution to the common cause. Even now, after five months of hostilities, no considerable portion of India's forces are actively engaged and the nature and scope of future needs still remains obscure. But I think the time has come to attempt to organise the flow of voluntary contributions in accordance with some systematic plan and to give to donors some indication of the objects to which their money will be devoted. I am therefore opening a Punjab Branch of His Excellency the Viceroy's War Purposes Fund to which the sums (amounting to about Rs. 36,000) already received and any further donations which may be made will be credited.

As already announced in the press by His Excellency the Viceroy, any donations which are made for some specifically named purpose will be applied according to the wishes of the donors. Other donations for which no special object is named will be applied by His Excellency the Viceroy "at his discretion in furtherance of India's war efforts and for beneficent purposes connected with the war". This may be taken to cover the following objects ; though the list is not exhaustive :—

- (1) the relief of those who are wounded or disabled in the war.
- (2) the care of the families and dependents of serving soldiers.
- (3) the purchase of aircraft. (His Exalted Highness the Nizam's generous gift of £ 100,000 is being applied for the purchase of a fighter squadron ; and a considerable number of Punjabis are now being trained as pilots).
- (4) the supply of comforts to troops on active service and of hospital stores and ambulances. (Expenditure on this object will be met from contributions to the Red Cross Society.)

All Deputy Commissioners are being asked to open a War Fund Account and I would therefore request anyone wishing to make a contribution to remit the money either to the De-

puty Commissioner of his district or to my Secretary (Mr. E. P. Moon, I. C. S.) indicating at the same time if there is any special object to which he would like his donation to be devoted.

I hope that these arrangements will afford some outlet to the generous impulse which I know is felt by the people of the Punjab to give immediate and tangible help to a just and righteous cause.

6157 and 6158—cancelled.

QUOTA OF I.C.S. OFFICERS IN THE PUNJAB.

***6163. Mr. Dev Raj Sethi :** Will the Honourable Premier be pleased to state—

- the number of Indian Civil Service Officers who were actually serving in the Punjab in 1936, 1937, 1938 and 1939, respectively ;
- the proportion of Indians in the Indian Civil Service cadre in the Punjab in 1936 and 1939 ;
- the minimum number of Indian Civil Service Officers which has to be employed in the Punjab according to administrative arrangement ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) :

(a) On 1st January, 1936	..	114	
On 1st January, 1937	..	117	
On 1st January, 1938	..	122	
On 1st January, 1939	..	122	
(b) On 1st January, 1936	..	34.2%	} Inclusive of officers serving outside the Province and exclusive of officers serving outside the Province.
On 1st January, 1939	..	36.9%	
		41.2%	
		45.8%	

(c) I am not quite sure what the honourable member means, but I may tell him that 89 posts are reserved for officers of the I.C.S., but that as it is necessary also to have a reserve for leave, deputation and training, the actual number of officers required for "administrative arrangements" is not less than the figure given in part (a).

"AKSARIYAT YA KHOON."

***6178. Lala Duni Chand :** Will the Honourable Premier be pleased to state—

- whether a pamphlet named, "Aksariyat Ya Khoon," containing the political teaching of Allama Mashrafi published and broadcast recently has come to the notice of the Government ;
- whether the Government proposes to take any action on account of the objectionable contents of this pamphlet ?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) Yes ;

(b) Government has already proscribed the pamphlet and demanded security of Rs. 1,000 from the press at which it was printed.

Sardar Sohan Singh Josh : Is the Government aware of the fact that the Khaksars openly distributed the said pamphlet in the city on 26th February, 1940?

Premier : Has my honourable friend seen them distributing the pamphlet himself or has he read of it in some paper?

Sardar Sohan Singh Josh : No. I am giving you the facts.

Premier : Is my honourable friend giving me this fact from his own knowledge or from some other source?

Sardar Sohan Singh Josh : From the irrefutable source of my own knowledge.

Premier : If my honourable friend gives me the names of those persons I will certainly take action against them.

Lala Duni Chand : May I know whether it is true that the mischief was not nipped in the bud and the action was taken after a good deal of mischief was done?

Premier : The mischief was nipped in the very bud.

Sardar Sohan Singh Josh : Has the Government noticed that in the pamphlet it is stated that true believers are those who kill and are killed in the name of God?

Premier : Yes.

Lala Duni Chand : May I know how many days after the publication of this pamphlet action was taken by the Premier?

Premier : I cannot give that information off-hand; but the action was taken at once as soon as it came to the notice of Government.

Lala Duni Chand : Is it not true that the pamphlet had been for a long time in the market before action was taken by Government?

Premier : Not to my knowledge.

Sardar Sohan Singh Josh : Is the Government aware of the fact that murder has been preached in the pamphlet?

Premier : No, murder has not been actually preached though they believe in violence.

Diwan Chaman Lall : May I know if the author of this pamphlet is not responsible for incitement to murder?

Premier : This question I cannot answer without consulting the judicial authorities.

Diwan Chaman Lall : May I ask whether Government has consulted the judicial authority or legal authority with regard to this matter since it came to his knowledge?

Premier : Government invariably consults legal authorities before taking any action.

Diwan Chaman Lall : May I ask whether the Government consulted their legal advisors as to whether this was or was not an incitement to murder?

Premier : My honourable friend has not read the pamphlet.

Diwan Chaman Lall : I have seen it.

Premier : But he has not read it.

Sardar Sohan Singh Josh : Has any action been taken against the writer of this pamphlet?

Premier : The Government has already taken action against those against whom action could be taken.

Diwan Chaman Lall : May I ask my honourable friend whether he has consulted or has decided to consult his legal advisors as to whether the publication of this pamphlet does not amount to incitement to murder?

Premier : My honourable friend has not read the pamphlet.

Diwan Chaman Lall : May I take it, therefore, that my honourable friend has decided that it does not amount to incitement to murder?

Premier : My honourable friend has asked again about a pamphlet which he has not read.

Diwan Chaman Lall : Does he think that the first page of the pamphlet does or does not amount to incitement to murder and if it does or does not, has my honourable friend referred this pamphlet which is forfeited, to his legal advisors for the purpose of finding out whether this amounts to incitement to murder or not?

Premier : I have said twice before that my honourable friend has not read the pamphlet. So far as that particular portion is concerned, I said that it does contain those words and that those words are considered objectionable because they have been torn away from the context, otherwise they would not have been objectionable.

Diwan Chaman Lall : May I take it that my honourable friend is of the opinion that it is not an objectionable pamphlet?

Premier : My honourable friend can draw any inference that he likes.

Diwan Chaman Lall : May I take it that in the opinion of a large number of people this pamphlet and its headlines on the front page amount to definite incitement to murder and my honourable friend is not prepared to consult his legal advisors in regard to taking action?

Premier : That is a question of opinion. We have taken action where we thought it was necessary.

Diwan Chaman Lall : Why did he forfeit the pamphlet?

Premier : Because I considered it objectionable under the Press Emergency Law.

Diwan Chaman Lall : What particular portions of it were objectionable?

Premier : That does not arise out of this question.

Lala Duni Chand : Will the Honourable Premier reply to the question of one who has read the pamphlet? The question is that the Premier has not thought it fit to start any prosecution for incitement to murder. May I know how the facts of this case compare with many other cases pending now in the courts of this province in which a large number of people have been prosecuted for incitement to murder?

Premier : I have not followed my honourable friend.

Lala Duni Chand : I can repeat the question again. How do the facts of this case compare with the facts of the large number of cases which, probably under the instructions of the Honourable Premier, have been started, which are now pending, and which relate to incitement to murder on the public platform?

Mr. Speaker : Comparison depends on personal opinion.

Lala Duni Chand : The Honourable Premier says that he has not thought it fit to start any case. I want to draw his attention to the facts of this case in comparison with the facts of other cases in which similar prosecutions have been started.

Sardar Sohan Singh Josh : Is it a fact that the pamphlet has eulogized the Premier by stating that he (Sir Sikandar) perfectly understands this movement?

Premier : Even if they have eulogized me let me inform the honourable member that they cannot escape the punishment laid down by law.

APPOINTMENT OF SOME HONOURABLE MEMBERS OF ASSEMBLY AS SUB-REGISTRARS OR HONORARY MAGISTRATES.

***6179. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether any members of the Assembly have, since 1st April, 1937, been appointed as Sub-Registrars or Honorary Magistrates, or both;
- (b) if the answer to part (a) be in the affirmative, will he be pleased to lay on the table of the House a statement giving the names of such honourable members and in the case of those appointed Sub-Registrars, also the amount of emoluments they have on an average received or are receiving monthly?

Parliamentary Private Secretary (Sayad Amjad Ali Shah) : (a) Yes

(b) A statement giving the required information is laid on the table.

Statement.

Names of Members of the Legislative Assembly appointed as Honorary Magistrates.	Names of Members of the Legislative Assembly appointed as Sub-Registrars.	Pay.	Average amount received or likely to be received as commission.
		Rs.	Rs.
1. Chaudhri Ghulam Rasul..		..	..
2. Malik Fateh Sher Khan ..		..	..
	1. Chaudhri Mohammad Sarfraz Khan.	25 per mensem.	52 per mensem.
	2. Mian Sultan Mahmud, Hotiana.	25 per mensem.	38 per mensem.

**DISTRIBUTION OF OFFICIAL ADVERTISEMENTS AMONG PAPERS
IN THE PUNJAB.**

***6193. Malik Barkat Ali :** Will the Honourable Premier be pleased to state—

- (a) whether the Director of Public Information, Punjab, has any hand in or concern with the supply or distribution of official advertisements to or amongst the papers of the Punjab; if so, the date on which this method was introduced in this province and also the details of the procedure laid down or followed in this connexion by the Director;
- (b) the names of the papers whom the Director has selected so far for such patronage in this regard;
- (c) whether he will be pleased to lay on the table of the House a statement showing the total payments made so far through this process to each of the papers selected by the Director for his patronage?

Parliamentary Private Secretary (Sayed Amjad Ali Shah) : (a) The attention of the honourable member is invited to the answer given to the starred question No. 5170¹. The present system was introduced on the 15th of April, 1939.

(b) and (c) Government consider it undesirable to give publicity to an exhaustive list of newspapers which have been utilised by the Director, Information Bureau, from time to time for the publication of official advertisements or to a comparative statement of the amount of business which has gone to individual newspapers; but it may interest the honourable member to know that the list includes all prominent dailies of the province, such as the "Civil and Military Gazette", the "Tribune", the "Daily Herald", the "Milap", the "Partap", the "Vir Bharat", the "Inqilab", the "Zamindar", the "Shahbaz" and the "Ehsan". besides a large number of weeklies issuing from Lahore or mofussil towns. On a few occasions newspapers outside the province or even outside the country have also been utilised for this purpose. The amount of business which has gone to these newspapers through the Director, Information Bureau, shows absolutely no discrimination against or in favour of newspapers of any particular political complexion.

BROADCASTING OF AN OBJECTIONABLE POSTER IN AMBALA CITY.

***6199. Mrs. Duni Chand :** Will the Honourable Premier be pleased to state—

- (a) whether his attention has been drawn to a poster purporting to have been issued by one Pir Abdul Wahid, who has described himself in it as Muafidar and president of Jamayat Pir Wahid and Muntazim Khankah Shah Abdul Rasul, Ambala City, recently published and broadcast in Ambala City and in Ambala district and that this poster contains most insulting and provocative epithets in regard to Mahatma Gandhi;

[Mrs. Duni Chand,]

(b) if answer to (a) above be in the affirmative, the action taken by the Ambala police in the matter in the interest of public peace?

Parliamentary Private Secretary (Sayed Amjad Ali Shah): The poster has come to notice but is not actionable.

SCHOLARSHIPS FOR PROSPECTIVE PUNJABI PILOTS.

***6204. Sayed Amjad Ali Shah¹:** Will the Honourable Premier be pleased to state whether the Punjab Government is giving or has any intention of giving scholarships to prospective Punjabi pilots by way of encouragement?

Premier: Though the question is not put by the honourable member I would like to read the answer to this question because it is of considerable importance.

In a statement given to the press in November last the Government of India let it be known that they were prepared to give financial assistance to young men who were ready to undertake training as pilots and engineers in flying clubs with a view to their ultimate engagement in the Air Forces. Under this scheme eight qualified pilots are in the first instance to receive advanced training in the Northern India Flying Club at the expense of Central revenues, and four others are to be chosen for elementary training. These figures represent the first instalment of a scheme which will doubtless be expanded if it proves successful and if more men are wanted for the Air Forces. The Punjab Government are now considering whether they should not supplement this scheme by one of their own for the subsidised training of pilots and possibly ground engineers from the Punjab. The answer to this must depend partly on the capacity of the local Flying Club to undertake the training of more men. In the meantime, the Provincial Government have given approval, subject to the provision of funds, to the making of a grant of Rs. 5,000 to the local Flying Club in the coming financial year—a step which should have an appreciable effect in increasing the Club's usefulness as a training centre for Punjabi airmen.

ANTI-AIR RAID PRECAUTIONS FOR LAHORE.

***6205. Sayed Amjad Ali Shah¹:** Will the Honourable Premier be pleased to state what anti-air raid precautions have been taken to protect the town of Lahore?

Premier: An account of the measures taken by way of Air Raid Precautions in the Punjab was published in several of the leading newspapers at the end of October last and this was probably noticed by the honourable member. I will, if he desires, supply him with a copy. He will perhaps excuse me from going into further detail in regard to a subject in connection with which it would obviously be unwise to be too explicit;

I should also like to discount any alarmist views as the likelihood of air raids here. It has been thought advisable to take certain preliminary measures, but the danger should not be exaggerated.

¹The honourable member was not present in the chamber when the time to put these questions came.

COMMUNAL RATIO IN THE AMBALA DIVISION.

*4992. **Chaudhri Sahib Ram** : Will the Honourable Minister for Revenue be pleased to state the communal ratio that exists in the Ambala division in the posts of the Tahsildars, Naib-Tahsildars, and Superintendents of Deputy Commissioners' offices and whether this ratio is according to the one fixed by the Government, if not, why ?

The Honourable Dr. Sir Sundar Singh Majithia : I must decline with regret to answer questions which savour of communalism on the floor of the House. I am sorry to have to adopt this attitude but Government consider it necessary in the public interest to establish a convention in connection with such questions. I shall, however, always be prepared to examine any particular instance of a disproportionate representation which honourable members may bring to my notice in a more informal way.

TACCABI FOR WELLS IN THE DISTRICT OF GURGAON.

*4996. **Chaudhri Sahib Ram** : Will the Honourable Minister for Revenue be pleased to state—

- (a) whether taccavi for wells is being distributed in the district of Gurgaon ;
- (b) whether any complaints of corruption regarding bribe of Rs. 5 per well in the above-mentioned district have reached the Government ; if so, with what result ?

The Honourable Dr. Sir Sundar Singh Majithia : (a) A sum of Rs. 28,100 was distributed as taccavi for wells in the year 1938-39.

(b) One complaint of the demand of an illegal gratification was received by the Deputy Commissioner of Gurgaon. When an enquiry was held the persons named in the complaint as complainants denied that they had sent any such complaint and stated that they had no cause for complaint against the officials concerned.

BUDGET—PRESENTATION.

Minister for Finance (The Honourable Mr. Manohar Lal) : We have been passing through a long period of anxiety and tribulation ; the famine has been sore in the land, the heaven was shut up and there was no rain, and a large part of the province still lies in the grip of want and starvation. The task of Government at such a time has not been easy. Extensive plans to relieve suffering and distress have had to be rapidly improvised, and then maintained over a long period at an immense cost. At the same time efforts directed to secure definite advance in the welfare of the people, elaborated with much anxious study, could not be relaxed without loss that could be only painfully repaired at considerable cost in future years. And it would not have been wise to postpone schemes for securing more firmly immunity for the people from the danger of natural calamity. For the Ministry, this has been a time of heavy trial. Finance often answers best how a Government has conducted itself in the discharge of its duties and in the performance of its appointed task, for all government action is unmistakably reflected in its finances. In the story to be unfolded to-day, it is my endeavour to portray clearly the measure in which this Government has striven

[Finance Minister.]

manfully and successfully to perform its manifold supreme duties. (*Hear, hear*). You may then judge with assurance. As I rise to-day it is in the conviction that the verdict of the Assembly will be unhesitatingly in the Government's favour. I rise also trusting that recent rains may be followed by the sound of abundance of rains in the coming seasons and that in the words of the psalmist, once again our pastures may be clothed with flocks, and our valleys covered over with corn, for otherwise remarkably as we have borne the strain in the past the burden may become unendurable henceforward.

In my statement to-day as in previous years I propose to focus attention only on the outstanding facts of our provincial finance. The elaborate Explanatory Memorandum of the Finance Secretary renders detailed treatment by me unnecessary, and I am anxious by a simple and unencumbered survey to help honourable members to form a securely founded and definite picture of our finances.

I must address myself according to established usage to the accounts and estimates of the three years with which we are particularly concerned—the year, 1938-39, for which final accounts are now ready, the current year, 1939-40, for which revised estimates are now available, and the next financial year, 1940-41, for which the budget is to be presented.

1938-39.

At the time when the Budget for the year was presented an actual surplus of Rs. 17 lakhs, including the sum of Rs. 12 lakhs to be received from the Government of India, was anticipated. But, as the year advanced, famine laid its hands heavily in the south-eastern part of the province, winter rains in 1937 had already been extremely defective, the monsoon of 1938 failed almost completely and there was a total absence of winter rains in the year. At this time last year when revised estimates were exhibited famine had caused a deterioration in our finances by direct expenditure and loss in revenue of no less a sum than Rs. 55 lakhs, but even while meeting a big enough bill on important supplementary expenditure, in consequence of vigorous economies the estimated deficit on revenue account was only Rs. 27 lakhs. As final accounts for the year are made up, the actual deficit, however, stands at Rs. 45 lakhs. The most important fact to note is that between the revised estimates and the conclusion of the year, a short period of three months, expenditure on which alone Government has control was actually reduced by Rs. 9 lakhs. Revenue receipts, however, fell by Rs. 27 lakhs, resulting in a net increase of Rs. 18 lakhs in the deficit. On the total revenue of the province, allowing for extraordinary receipts of Rs. 19 lakhs, the year ended with a deficit of Rs. 26 lakhs. On the whole year's working the position is that famine cost Rs. 35 lakhs in direct expenditure, and Rs. 31 lakhs in special remissions and suspensions, that is a total of Rs. 66 lakhs. In a word, but for famine the year would have resulted in a surplus of Rs. 21 lakhs even if the extraordinary receipts are excluded and 40 lakhs if extraordinary receipts are included.

It will be observed that in 1938-39, a year of widespread and intense famine, expenditure on beneficent departments stood at Rs. 3,22 lakhs as

compared with Rs. 3.09 lakhs in 1937-38, a year of genuine prosperity. (*Hear, hear*). This was the year also in which the Haveli project was brought to completion.

1939-40.

Last year when the budget for the year was presented, famine conditions were fully established, and a deficit of Rs. 29 lakhs on revenue account was estimated, wholly because of the famine. It was then anticipated that direct expenditure on famine would amount to Rs. 39 lakhs and loss in revenue by special additional suspensions and remissions come to Rs. 16 lakhs. In other words, the estimates disclosed that but for the famine there would have been a revenue surplus of Rs. 26 lakhs instead of a revenue deficit of Rs. 29 lakhs.

But estimates were made on the basis of famine conditions lasting no longer than 5 months. As it is, the monsoon for the year, though it started not badly proved wholly inadequate and failed early in the districts most badly affected. By October, famine conditions had assumed a very threatening and frightful aspect, and it became obvious that further heavy expenditure would be inevitable. A large supplementary grant was made by this House, and the revised estimates now show a direct famine expenditure of Rs. 72 lakhs in place of the budgeted figure of Rs. 39 lakhs, that is an increase of Rs. 33 lakhs. This alone would have raised the revenue deficit from Rs. 29 lakhs in the budget to Rs. 62 lakhs, and this does not take into account other additional expenditure of which supplementary demands were presented during November, 1939 and again a few days ago in February, 1940. Among these supplementary demands are the following entirely new items :—

	Rs. (in lakhs).
(1) <i>Irrigation Establishment charges—</i>	
Canal Act Committee	58
High Dams Circle in connection with the revision of Bhakra Dam Project ..	56
Project Division, Western Jumna Canal ..	48
The Thal Project	4.76
(2) <i>General Administration—</i>	
Staff for the preparation of electoral rolls for elections of members for Indian and Provincial Legislatures	24
Additional Revenue Secretary to Financial Commissioners, and Additional Financial Commissioner	61
(3) <i>Police—</i>	
Additional Police	1.30
Decrease in the amount recoverable under 'Order' Police.	50
(4) <i>Miscellaneous—</i>	
War publicity	75
Total ..	9.78

[Finance Minister.]

These items are, it will be noted, wholly distinct from expenditure due to famine, though in the main they are due to provision for permanent protection against unfriendly nature. Nor could they be anticipated at the time when the year's budget was framed; this applies with particular force to the small provision for War Publicity, a very humble effort to secure correct opinion in the countryside on the rights and the wrongs of the present war in which this martial province very naturally feels the deepest interest. (*Hear hear.*)

But these supplementary demands also include the following other items of substantial expenditure not in the original budget, and exclusive of additional famine expenditure:—

	Rs.
	(in lakhs).
(1) Stamps	1.02
(2) Interest on works for which capital accounts are kept	4.52
(3) Interest on Debt and other obligations ..	5.82
(4) General Administration	1.38
(5) Administration of Justice	1.47
(6) Superannuation Allowances and Pensions ..	2.04
(7) Commuted Value of Pensions .. .. .	.64
Total	16.89

The two classes of expenditure set forth above form an aggregate of Rs. 26.67 lakhs. The one convenient way of understanding the position is this. The original deficit in the budget estimates was fixed at Rs. 29 lakhs. Since then the ordinary supplementaries as detailed above come to Rs. 26.67 lakhs. The additional famine expenditure out of the amount granted in supplementaries is Rs. 32 lakhs. Therefore the total likely deficit was about Rs. 88 lakhs. As against this, the actual deficit is only Rs. 49 lakhs. In other words, the deficit has been reduced to the extent of Rs. 39 lakhs—to the extent of Rs. 2 lakhs by improvement in revenue receipts and the rest by the practice of strictest economies and by postponing expenditure where permitted by prudence. Since, however, supplementary estimates are not unusual, and are a normal feature of all government finance, it may be worth-while excluding them from our purview, and confront the revised revenue deficit of Rs. 49 lakhs with direct famine expenditure of Rs. 72 lakhs and special loss in revenue because of abnormal suspensions and remissions of Rs. 16 lakhs. It is apparent that the entire increase in revenue deficit is more than covered by the additional famine expenditure, and that but for famine there would have been a revenue surplus of no less a magnitude than Rs. 39 lakhs. This is a striking enough position but the character of our supplementaries during the year requires particular notice. To no less an extent than Rs. 5½ lakhs.

this expenditure is for establishment charges in connection with our expanding irrigation activity and a sum of Rs. 10,84,000 is on account of interest and other charges in connexion with our irrigation loans. There are further wholly unavoidable items under superannuation and commutation of pensions amounting to Rs. 2,66,000.

It will be observed with gratification by the House that the supplementary estimates have been kept within the strictest possible limits and the total number of demands made are fewer than in any recent year.

It must be noted that if we include extraordinary receipts and the necessary adjustments are made during the year between capital and revenue accounts, the year shows an actual surplus of Rs. 2 lakhs. The enormous sum of Rs. 72 lakhs spent directly on famine relief, a loss of revenue to the extent of Rs. 16 lakhs directly attributable to famine, not to speak of general deterioration of revenue position in such periods, and yet taking all our resources into account, a surplus of Rs. 2 lakhs! (*Hear, hear.*) A truly remarkable position that has saved us from the burden of additional taxation and from the necessity of those other drastic steps which are a constant dread in the minds of government servants. The immense famine expenditure of Rs. 72 lakhs has been entirely met during the year from extraordinary receipts to the extent of Rs. 41 lakhs and for the rest from a long series of carefully devised economies strictly enforced: and albeit we have withstood the strain of heavily shrunken revenues and have unhesitatingly and courageously spent in addition Rs. 26 lakhs in supplementary expenditure, because the objects in view were in the main of the highest beneficence and of permanent value to the province. (*Hear, hear.*)

1940-41.

An examination of the financial position during the past three years proves as of certainty the essential soundness of our finances. The year 1937-38 was a fair year free from famine though not free from heavy natural disaster as we had in the early part of the year a hailstorm of almost unprecedented severity in the Multan and adjoining districts. In that year, the first of the present Ministry, striking advances were made in all directions particularly in beneficent departments, and a large sum was placed in a Special Development Fund which still continues to give strength to the work of rural uplift. The past two years have been years of intense and continued famine in a large part of the province, involving us in heavy expenditure and causing much loss in revenue, but when account is taken of extraordinary receipts, the net deficit for the two years amounts only to Rs. 24 lakhs, while direct famine expenditure alone reached the staggering figure of over a crore and five lakhs. And during both these years there was much exceptional and non-recurring expenditure provided in supplementary estimates.

Now I come to the year 1940-41, for which the Budget is being presented to-day. The total estimated revenue receipts stand at Rs. 11,74 lakhs, and the expenditure at Rs. 12,02, providing for a revenue deficit of Rs. 28 lakhs. The deficit is due entirely to famine, which again and for a third consecutive year seriously affects the finances of the province. Provision is being made for a direct expenditure of Rs. 32 lakhs on famine; the deficit is, therefore, more than accounted for by this one provision, but for

[Finance Minister.]

it these estimates would show a revenue surplus of Rs. 4 lakhs. As in the past, the major portion of this expenditure is for the district of Hissar. Further, there is likely to be a loss of revenue, in additional suspensions and remissions, of Rs. 11 lakhs, if we proceed on the basis of a normal kharif in 1940. The famine thus has worsened our finances for the year to the extent of Rs. 43 lakhs, but its existence brings once again into relief the essential soundness of our finances.

I have thus far taken no account of our extraordinary receipts which it has become the practice to keep outside ordinary revenue receipts. These extraordinary receipts are estimated for the year at Rs. 50 lakhs with no corresponding expenditure. The year's working, therefore, in spite of famine, calculated, as I have said, to affect our finances to the extent of Rs. 43 lakhs, leaves a surplus balance of Rs. 22 lakhs. (*Hear, hear.*) This will be utilized as usual to reduce our borrowings for capital purposes, such as would be involved in the financing of the Western Jamna Kharif Extension Schemes, and the execution of the Thal project. It is gratifying to note that in a year of scarcity and dearth it is still possible to help such beneficent irrigation projects so substantially from our provincial receipts. If the spectre of famine had not stalked the land, it would have been possible to place over Rs. 65 lakhs from within our own funds at the disposal of the project.

When I am focussing the attention of the House on the most salient features of our budgetary position, it would be out of place to institute any detailed comparison between the budget estimates of 1940-41 and the revised figures of the current year. This has been duly exhibited in the Explanatory Memorandum of the Finance Secretary. But I think it is necessary to invite particular attention to the improvement of about Rs. 17 lakhs under Land Revenue (gross). This estimate has been made with the utmost caution, always of course allowing for a normal kharif during the year. The winter rains with which we have been recently blessed should result in a satisfactory Rabi harvest, the better prices that now prevail should materially reduce the scale of suspensions and remissions. In addition lands served by the Haveli project, have already started bringing in revenue and are expected to contribute substantially to our receipts during the year. But for our unfortunate and discouraging experience during the past nearly three years the estimates could easily have been placed at a much higher figure. It would be remembered that in the accounts of 1937-38 they, i.e., Land Revenue (gross), stand at Rs. 4.90 lakhs, and the average for the past six years, including the two very lean years through which we have just passed, is Rs. 4.70 lakhs. Among the other major revenue heads the revised estimates for irrigation have already showed a most welcome improvement on the budget estimate for the current year, and the next year's estimates show a further improvement of Rs. 2 lakhs in spite of additional provision of Rs. 11 lakhs for working expenses. Other variations are of a minor size; but honourable members would no doubt note that, income under "Other Taxes and Duties", consisting mainly of the Petrol Duty imposed last year, has now become a permanent and valuable addition to our revenues. The budget estimate for 1939-40 contemplated an increased income of Rs. 6½ lakhs because of the Petrol

Duty, the revised figures have shown better results by Rs. 1½ lakhs, and the position is fully maintained next year. As expenditure in connexion with these "Other Taxes and Duties" is kept at an extremely low figure, there is now a well-established net yield of Rs. 10 lakhs under this head. The divisible proceeds of income-tax, under the Niemeyer award, have also shown a tendency to advance. It appears that income under Stamps that has steadily fallen of late years has now come to stay permanently at a lower level, and Forests and Registration show no signs of elasticity or improvement. The advance of receipts under Beneficent Department is due to a further transfer of funds from the Special Development Fund. A noticeable feature that promises to last is the steady and welcome increase under Receipts under the Motor Vehicles Acts. On the expenditure side the first observation that is to be made is that the economies that were introduced in 1938 are still continuing in full force with the result that there is no increase on revised Estimates under either "Direct Demands on the Revenue" or "Civil Administration". There is a small fall under "Civil Works" as activity under this head has to be kept within limits imposed by prudence and depends partly upon funds to be received from the Central Road Fund. The main additions, excluding of course, the provision of Rs. 32 lakhs for famine, are under just two and only two heads: the Irrigation Revenue accounts, and the Beneficent Departments. This forcefully reveals a characteristic feature of the whole financial policy of the present Government, ever since April, 1937: increased expenditure on account of expanding irrigation projects, and on the beneficent departments. Revenue charges for irrigation have increased steadily every year since 1937, the total increase during three years is no less a sum than Rs. 23 lakhs. It furnishes an infallible measure of this Government's solicitude to strengthen further the foundations for the economic stability and prosperity of our agriculture. The progress of our beneficent activity during the past three years is now a matter of general recognition. Figures of expenditure furnish the surest and the most eloquent proof of Government's earnest and studied devotion to the welfare of the people. It is important, therefore, to let figures interpret this progress. In 1936-37, i.e., before this Government came into power, this expenditure stood at Rs. 2.87 lakhs. In 1937-38, under the aegis of this Ministry, the expenditure on the Beneficent Departments was Rs. 3.09 lakhs: in 1938-39, Rs. 3.22 lakhs, in 1939-40 (revised figures) Rs. 3.29 lakhs, and it is now proposed in the budget for 1940-41, notwithstanding our many difficulties, to provide Rs. 3.46 lakhs. (*Hear, hear.*) This steadily advancing record of beneficent work must fill the hearts of honourable members who are anxious for the physical, moral and material progress of the province, with a glow of genuine pride. To us in the Ministry it is a matter of the utmost gratification that it should have been given to us to help in this service to our province. My own heart fills with deep regret when I think of the frustration of many plans, and the abridgement of the scope of others, because nature has not smiled on us during the past two years, and heavens have hidden their face from us. Our endeavours have been earnest and actual achievements have not been small, but I turn away from the contemplation of these things with a heavy heart for under more favourable circumstances the bounds of victory over disease, ignorance and poverty would have been wider and more assured.

[Finance Minister.]

In the year 1940-41, as it may be easily presumed, out of strictly new expenditure, and not taking into account transfer from Special Development Fund, the major part has gone to the Beneficent Departments. (*Hear, hear.*) It is necessary to turn to the volume on New Expenditure to form a complete and correct picture of the spread and measure of additional beneficent activity contemplated for the year. I can here attempt only a rapid and incomplete reference. The scope of Education grows apace, there is larger provision to attack illiteracy on which the Ministry has declared a relentless war, and girls' education continues to receive increasing attention. A provision has been made for the grant of one lakh to the local bodies for primary education for girls, and the starting of 80 further primary schools is proposed, there was a large provision during the current year. Seven new vernacular middle schools for girls are to be opened, and an existing vernacular middle school for girls, the school at Rewari, is to be raised to the high standard. In the meantime higher and collegiate education for girls continues to receive further support, and the number of girls receiving education in the Government Colleges for Women is steadily marking a substantial rise. Provision for adult literacy and scholarships is on a generous scale. I must particularly refer to the new provision under scholarships. Rupees 10,000 are to be given to weavers and special classes and Rs. 33,000 for soldiers' children. (*Hear, hear.*) This new departure would no doubt make a special appeal to the House. It has been possible to provide for further support to that fine institution, the Punjab Public Library, at Lahore. Intensive educational work as a part of the rural development programme continues unabated. Under Medical and Public Health also progress is to be recorded. Existing institutions are being strengthened by additional staff and equipment and the work of rural dispensaries, particularly the medical attendance of women, placed under careful inspection. There is a large provision for sanitary grants both for rural and urban areas, and steps are being taken to improve village water supply in 282 villages, while drains will be constructed in as many as 286 villages. Schemes for the supply of drinking water are to cost rupees one lakh, and there is a special provision of Rs. 10,000 for wells for the scheduled castes. (*Hear, hear.*) Under Agriculture, where the achievements of the province are the object of much envy outside and a source of genuine gratification to every Panjabee, the good work proceeds with increasing energy. Provision is being made this year for further effective control of pests and diseases that affect field and garden, and the provision of pure and improved seeds is to receive unabated attention, while the work of demonstration and propaganda is to be intensified. Two more Veterinary hospitals are to be opened, and finance for other schemes will be available from the Special Development Fund. That fount of beneficent effort in an agricultural province, the Co-operative Department, is being provided with additional funds to help further in the consolidation of holdings—the additional grant for the year is about Rs. 1½ lakhs, and Better Living Societies are to be strengthened by a further grant of over half a lakh of rupees.

Under Industries, industrial schools for girls are to be opened at Rawalpindi and Lahore. Some provision is made for grants to educated

young men to help them in starting handicrafts and village industries on a modest scale. Altogether there is an additional allotment of Rs. 2½ lakhs to the Department.

An anti-erosion circle has been established as a regular part of the Forest Department, and its work in withstanding the harm that is caused by erosion in our submontane districts will be watched with keen interest. Erosion in these districts and waterlogging in areas served by canals are two terrible ills that threaten the equilibrium of our countryside, and Government is ever studying means for meeting these spreading menaces.

Of other expenditure it is only necessary to say that in circumstances with which honourable members are familiar, the provincial additional police is being maintained, and war needs have necessitated further strengthening of our police force. The growing evil of counterfeiting of coins has also involved expenditure as it has been found necessary to provide a special staff for the detection of cases of this serious offence.

FAMINE EXPENDITURE.

Last year the effect of famine on provincial finance was presented in a brief conspectus, and it was then pointed out that direct expenditure, remissions and suspensions and taccavi loans were likely to cost a sum of Rs. 1,85,00,000 during the two years—1938-39 and 1939-40. It would be an advantage now to summarize the position for the three years under review. The figures for 1938-39 and 1939-40 have naturally undergone some change.

	Accounts, 1938-39.	Revised Estimate, 1939-40.	Budget, 1940-41.	Total.
	Rs. (in lakhs).	Rs. (in lakhs).	Rs. (in lakhs).	Rs. (in lakhs).
Direct Expenditure	33	72	32	1,37
Remissions and suspensions	31	16	11	58
Taccavi loans	20	35	25	80
Total ..	84	1,23	68 (Hear, hear.)	2,75

The total for the three years taken together amounts to the stupendous figure of Rs. 2,75,00,000. Direct expenditure alone amounts to Rs. 1,37 lakhs, and loss of revenue in the shape of suspensions and remissions comes to Rs. 58 lakhs, and taccavi loans though they may be said to fall in a different category, are well-known to furnish the foundations of remissions in the years to come. Sir, curiosity led me to the history of past famines in this part of the province, and I learnt that the district of Hissar has suffered ever since the historic famine of Samat Chalisa in the year 1783,

[Finance Minister.]

with periodic regularity, from the scourage of drought and dearth as no other part of the province. Into this ancient history, a sad and painful tale, howsoever absorbing, I could not ask honourable members to-day to enter. But more recently during the ten years from 1928 to 1938, Hissar has had several years of acute famine when harvests failed, the resources of the zamindars were exhausted, and famine works had to be started. Governments then, as now, were alive to the necessity of relieving distress as far as it lay in their power. The expenditure on famine during these years and relief by way of suspensions of land revenue lay within the most modest limits—it appears to make a total of not more than Rs. 20 to Rs. 25 lakhs under all the various heads of fodder supply, taccavi loans, suspension of revenue (over Rs. 10 lakhs), and test works. In 1929-30, a year of acute distress, the total amount of money spent on famine operations amounted to Rs. 2 lakhs, in 1932-33 famine test works in the district cost Rs. 40,000, while the total number of persons relieved thereon was 472,000. Official records mention Rs. 5,865-6-0 on spinning centres, and taccavi loans for seed and bullocks accounted for Rs. 30,728. Compare the 20 lakhs of those ten years, involving repeated and widespread distress, and the 2 crores and 75 lakhs of the two years from August, 1938 to August, 1940, (*Hear, hear*) and you have a picture of the doings of the present Government such as no mere words could limn or encompass. (*Hear, hear.*) Let the voice of criticism be stilled because we have assisted at the terrible tragedy of man's suffering, and this province has made the biggest and the noblest human endeavour recorded in the history of India, our motherland (*Hear, hear*), to render help during affliction and sore distress; hush, for we met face to face the evil of starvation and death and stand prayerful and in awe in the temple of service (*Hear, hear*).

THE THREE YEARS.

I called attention last year to the growing opinion among some authorities on budgetary procedure that estimates might be framed with advantage on the basis of a period of three years—they are apt to be falsified when only a single year is taken into consideration, and do not admit of necessary planning when so confined. It is undoubtedly true that estimates must be designed with reference to carefully settled programmes if maximum results have to be secured. Planning for the future is essential if expenditure along various lines of government's activity is to yield the largest fruit. Such programmes by the present Government have been repeatedly intimated to this House and explained to the public. We have an extensive scheme of advance in irrigation, of which no small part has already been carried out, a large road programme to which effect is being given every year, a plan of progress in education, specially girls' education, the newly designed attack on illiteracy, and improvement in medical relief by increasing hospital facilities. Steps have already been taken for the establishment of Panchayats, and the special effort in rural uplift has proceeded on a previously well thought-out scale. On some other occasions, I may be able to gather in a comprehensive review the studied plans of the Government. It would be enough to-day to add that I can think of hardly any line of governmental action which is not being carried out in the prosecution of a plan, though the tempo of progress must vary according to

changing financial circumstances. Consistently with the principles of sound finance over the whole sphere, this progress though sometimes slowed down has never been arrested. In this connexion, we might well reflect on the three years that particularly concern us to-day—the year 1937-38, in which a surplus of Rs. 82 lakhs was realized, after providing for a Special Development Fund of Rs. 55 lakhs, lies without this scope.

In the three years, we have an aggregate revenue deficit of Rs. 1,22 lakhs, but taking into account our extraordinary receipts with the adjustment to which I have previously referred the actual deficit over the three years amounts to no more than Rs. 2 lakhs. But, as has been seen already, direct expenditure alone on famine amounts to Rs. 1,37 lakhs, and would more than account for the whole of the revenue deficit of Rs. 1,22 lakhs, and if the period had been normal, suspensions and remissions would have been less by Rs. 58 lakhs. In a word in non-famine circumstances we would have had a revenue surplus of Rs. 78 lakhs and the extraordinary receipts aggregating Rs. 110 lakhs would have been untouched. The whole of the revenue deficit has been met from our extraordinary receipts—and yet famine has cost us no less than Rs. 1,37 lakhs in direct relief, and Rs. 58 lakhs in loss in revenue. That in one word is the true reading of our normal financial position, that reveals its essential soundness and strength. The deficit could have been easily curtailed, but Government was anxious to offer the utmost possible direct relief and allow the maximum reduction in its revenue demands. But even so the picture is not complete. Government throughout this period pursued a policy of large scale land revenue suspensions and remissions that even surprised me when I proceeded to collect complete figures recently.

LAND REVENUE SUSPENSIONS AND REMISSIONS.

Sir, questions have been repeatedly raised in the House on land revenue suspensions and remissions under the present Ministry, and it would, therefore, be of advantage to present these figures in a consolidated form:—

Years.	Total suspensions and remissions.		
	Rs.		
1937-38..	97,17,000
1938-39..	1,18,23,000
1939-40..	1,46,97,000
Total	3,62,37,000 (<i>cheers</i>).

These three years give an aggregate total of Rs. 3,62,37,000. Compare these figures with those of the three years immediately preceding, when land revenue suspensions and remission stood as below:—

	Rs.		
1934-35..	52,98,000
1935-36..	42,80,000
1936-37..	51,59,000
Total	1,47,37,000

[Finance Minister.]

There are in addition remissions of water rate which stand thus :—

				Rs.
1937-38 ..	..	..	..	40,44,027
1938-39 ..	..	..	..	26,49,651
1939-40 ..	..	..	..	22,54,202
Total ..				89,47,880

As compared with these water rate remissions in the previous three years stood as below :—

				Lakhs.
				Rs.
1934-35 ..	..	..	..	14
1935-36 ..	..	..	..	12½
1936-37 ..	..	..	..	13
Total ..				39½

The comparison is significant. In a single year 1939-40, the land revenue suspensions and remission amounted to as much as the aggregate for the three years immediately preceding Provincial Autonomy (*Hear hear*), and the total figures for the three years under the present Ministry are two and a half times those during the preceding three years. (*Hear, hear.*) Water rate remissions disclose a similar position. And for the next year, 1940-41, allowance is being made under land revenue suspensions and remissions to the amount of Rs. 1,24,00,000 and under Abiana remissions—Rs. 21 lakhs. (*Hear, hear.*)

It is apparent that these remissions have been allowed on a most liberal scale, unprecedented in the history of our land revenue administration. (*Hear, hear.*) A slightly less liberal scale would have materially reduced if not completely wiped out our total revenue deficit. But it is the policy of the present Government to relieve hardship and distress whenever it may exist in an unstinted measure.

Here, however, as last year, I must strike a note of warning. The present satisfactory position, however gratifying, is the result largely of vigorous economies and drastic reductions in necessary expenditure. These exceptional measures cannot be continued indefinitely without affecting efficiency in administration, and certain essential services, for example those included in Civil Works, particularly under Maintenance and Repairs, cannot be postponed for long without serious detriment. Lost ground must be made up at the earliest date. The finances of a province in India are exiguous and inelastic in the extreme, and the need of conserving resources is felt with particular force in periods of difficulty as the urgency of

demands for additional expenditure is always on the increase. The report of the Committee on Resources and Retrenchment is now before us. I was privileged to guide its deliberations, though as a member of the Government, naturally avoided influencing the decision of the members. I trust that the recommendations of this Committee may prove of help in adding increased strength to our finances. In the meantime we must remember that the path of financial rectitude always beset with pitfalls is exposed to particular dangers in times of difficulty, and the duty is cast more imperiously than ever of careful watch and study of our revenues, our expenditure, our plans and our ambitions.

HYDRO-ELECTRIC SCHEMES.

In presenting the budget last year I called attention to the fact that the net receipts under the Hydro-Electric Schemes had steadily gone up since the year 1933 when the period of construction was over and that of operation actually started and I attempted a rapid review of the more recent years.

For the year 1938-39 the revised estimates then disclosed a net income including the transfer to Depreciation Reserve Fund of Rs. 21.82 lakhs as against an interest charge of Rs. 26.35 lakhs, leaving a gap of Rs. 5.03 lakhs. The final figures for the year now available show that the net receipts including the transfer to Depreciation Reserve Fund amount to Rs. 23.88 lakhs as against an interest charge of Rs. 26.29 lakhs, leaving a reduced net loss of only Rs. 2.41 lakhs. This would naturally be pronounced as satisfactory, but the hope that I then entertained in the Budget Estimates about the year 1939-40 has not been realized. The gross receipts have fallen below the budgeted figure by about Rs. 4 lakhs, resulting in a substantial decrease in net receipts and the gap between these receipts and interest charges stands at the unexpectedly high figure of Rs. 4.85 lakhs. I am assured that when accounts are finally made up an improvement is likely to show itself in consequence of final redistribution of establishment charges between capital and revenue account. It also appears that credit for a sum of Rs. 41,000 taken in 1938-39 had to be adjusted in the current year. This year also witnessed a reduction in certain tariff rates, amounting in the aggregate of Rs. 64,000.

In the budget for 1940-41 gross income is estimated at Rs. 51.58 lakhs and the net receipts, including the amount Rs. 10.76 lakhs transferred to Depreciation Reserve Fund, at Rs. 22.38 lakhs against an interest charge of Rs. 27.75 lakhs, leaving a gap of Rs. 5.37 lakhs. Here again the question of *pro rata* distribution of establishment charges as between capital and revenue would arise, but it has also to be borne in view that it is proposed to incur during the year an exceptional and abnormal expenditure of Rs. 99,000 for repairing Tower Foundations. But taking into account for purposes of comparison every possible corrective fact, the most careful analysis shows that the net position is not as satisfactory as I had expected last year.

OUR DEBT POSITION.

In this connection I draw attention to paragraph 12 of the Finance Secretary's memorandum. The net debt of the province at the end of

[Finance Minister.]

the year 1937-38 which the Public Accounts Committee scrutinised stood at Rs. 32,66,00,000 and stands to-day, as a result of recent borrowings for productive capital works with which the honourable members are fully acquainted, at Rs. 35,34 lakhs. It is significant to observe that the net increase in the debt during the last three years has been Rs. 2,76 lakhs in spite of the fact that loans to the extent of Rs. 4½ crores have been raised during this period. This is obviously a most gratifying situation. What is particularly interesting to note is that while the net debt stands to-day at Rs. 35,34 lakhs capital outlay on Irrigation Works and the Hydro-Electric Schemes alone amounts to Rs. 41 crores and I am leaving out of account capital outlay on Civil Works and on Industrial Development, and payments of commuted value of pensions. The three items give an aggregate of Rs. 2,57,82,000. In other words, against capital outlay on Irrigation Works and Hydro-Electric Schemes of Rs. 41 crores we have a debt of only Rs. 35,34 lakhs. The secret lies in the continued utilization of our extraordinary receipts to finance our productive capital works. It is to be noted that the Irrigation Works, productive and unproductive combined, yield a net return of about 10 per cent. The Public Accounts Committee considered that our debt position *qua* our capital outlay disclosed a most satisfactory feature of our finances which were being controlled on very sound lines. No commentary of mine is needed on the position, except perhaps, the single word that these figures constitute the most certain proof of the way in which the financial resources of the province have been conserved in the past and are being most anxiously conserved to-day: capital outlay on productive works of the highest beneficence resulting in the permanent addition to the economic strength of the province, and met to a substantial extent by savings and extraordinary receipts.

PUBLIC ACCOUNTS COMMITTEE.

During the current year it was the first time when the Public Accounts Committee functioned and it examined the accounts for the year 1937-38. We are not to-day concerned directly with that year: but the Committee testified to the high standard of accuracy attained in the year under report and remarked that noticeable improvement had been secured in comparison with previous years. The Committee expressed the opinion that adequate control had been exercised over expenditure and expressed their entire satisfaction with accounts and said that the financial position of the province was most satisfactory during the year under report.

IRRIGATION PROJECTS.

I spoke on the subject at some length last year. Since then much further progress is to be recorded. The Haveli Project, the execution of which must ever remain a striking and memorable chapter in the history of Punjab Irrigation, was an achieved fact early in the current year. It will be some time before the Haveli canals are fully developed; when so developed, they will provide perennial irrigation to more than half a million acres, and non-perennial irrigation to about half a million acres, and the three districts of Jhang, Multan and Muzaffargarh will receive an abounding blessing, the true magnitude of which will only be realized a few years hence.

But irrigation has already begun from the kharif of 1939, and supplies available through the Pakpattan link have already relieved the anxiety of the peasant in the Nili Bar Colony. The finances of the province too are beginning to receive support from this source. In less than three years, the people and the State alike are receiving the benefits of this benignant enterprise.

THE THAL PROJECT.

Last year I said that the stage of the examination of this project might well be said to be over, and that the execution of the project was going to be taken in hand and the construction was to begin at a very near date. The construction has already begun, though we entered upon it with much anxiety. War broke out in September, 1939, and that has a direct effect not only on the problem of financing a big irrigation project, but places real difficulty in the way of its execution for the sources of supply for much essential material become at once more expensive and uncertain. But Government was determined that a scheme that had for such long years been in contemplation should, if possible, in no event be postponed at the last minute. Cautions men like me weighed and weighed but ultimate decision was as you know, and I am glad to feel that it has received well-nigh unanimous support in this Assembly. The estimated cost of the project is about Rs. 7½ crores calculated on pre-war rates, the estimates may have to be increased. While the work of construction has actually started, the speed of its execution will have to be slower than originally planned, and the headworks are not now expected to be ready before April, 1942. If no unforeseen obstruction encounters our path, water from the canals will begin to run during the same year. The branches will not be all in function before 1946, but as is known it has been decided that the main line and all the branches on this project are to be lined to avoid waterlogging and save every ounce of water from wasteful absorption. When fully developed the project is expected to provide irrigation for a million acres of land in the districts of Mianwali, Muzaffargarh and Shahpur, districts not otherwise favoured by nature. A project of this magnitude, raises difficult problems of finance at a time like this when war has seriously affected the capital market, particularly as the margin by which it may prove productive is extremely narrow. But if the Bill, the Punjab Thal (Increase in Value) Bill, which received such general welcome in the House, as it embodied principles of unquestionable validity, is duly passed, it at once improves the financial prospects of the execution of the project. The measure will furnish such uncontested and material proof of the earnestness of the province in undertaking the project that the capital market would be disposed to afford us ready accommodation on favourable terms. It will be noted that the revised estimates for the current year include a provision of Rs. 55 lakhs for the project, and during the next year a sum of Rs. 1.46 lakhs is being made available for the purpose.

THE BHAKRA DAM.

The scheme, so designated, is a subject of constant and anxious study by Government. The importance of providing irrigation to the parched districts of Hissar and Rehtak has been brought home to us all with particular emphasis during the past two years, when Government has had to

[Finance Minister.]

spend Rs. 2½ crores in direct and indirect relief, and I stand to assure the House and those districts that not a day is being wasted in coming to practical grips with the many problems involved in the scheme. (Hear, hear.) The main problem and the associated questions are under attack from all possible sides. The project is expensive and finance at present is not easy, but I trust that this will not form an insuperable obstacle. Honourable members are aware that much directly applicable study has been recently made by distinguished Punjabee engineers into the technique of the design and the construction of high dams. A High Dam Circle has been created to prepare designs and estimates of construction. In this connection the designs of the Upper and the Lower Sirhind Canal Systems are also under examination. These investigations and other preliminary steps should enable us to proceed with the project itself as soon as the other questions can be satisfactorily settled.

In the meantime, I may mention that as an earnest of Government's solicitude to provide all possible immediate relief to the south-eastern districts the important Western Jumna Kharif Extension Scheme has been taken in hand. It is calculated to provide irrigation to an area about 8½ lakhs of acres. It is hoped that the scheme intended for the present to supply water only for kharif will be converted later into perennial irrigation. In the current year, revised estimates include an expenditure of Rs. 2½ lakhs for the Kharif Scheme, it is likely that actual requirements for 1940-41 would be Rs. 25 lakhs, and the whole scheme, exclusive of tube-well pumping, is likely to cost Rs. 60 lakhs.

It will be observed that Government's irrigation programme is proceeding actively, and has in substantial part been achieved. On nothing is the present Government more determined than on the prosecution of schemes of irrigation to secure permanent and enduring solution of the economic difficulties of the countryside. The peasant, the main source and foundation of the country's economic strength, must at all costs be saved from the risks of drought and scarcity. (Hear, hear.)

CONSERVATION OF RESOURCES.

We must watch our revenues with jealous attention, the scrutiny and control of expenditure is easy, then with sufficient goodwill progress is secure and dearly-held ideals can be confidently pursued. Patience is a difficult virtue, but provides not mere safety but also certainty, and in its train there is rich fruit-bearing. We may in its exercise encounter many trials, sometimes even feel that failure has been our portion, but great trials alone prepare the steep ways to the stars.

I have nearly done. A hundred years ago, a great social philosopher, in the high manner of a Hebrew prophet, announced as his motto, "I destroy and I build"—that represents a line of thought that in our country to-day finds much answering echo. There is impatience to achieve immediately results which can follow only on a course of careful planning, and more careful building. A mere change, even if adopted as a national war-cry, can bring no abiding strength or solace. The car of progress, where whole peoples are concerned, does not travel on a straight line, and it takes

us all, the Government and the people determined on full co-operation, to keep it on the right path. Much is on trial in the world to-day, the fate of democracy itself hangs in the balance, because for its success the highest spirit of service is needed, and it is necessary to peer thoughtfully into the future, and build on foundations truly and securely laid. In an Indian province, the voice of strictest caution must be heeded, otherwise mistakes would be difficult to rectify. Fortunately, hitherto, in this province, as tested by the unerring standards of finance, we have proceeded with due prudence. Shall we continue to do so, particularly in the next few years, is the anxious query that troubles my mind constantly. Our resources must be conserved and our position in the borrowing market made stronger than even hitherto, if the good work which we have initiated is to advance and reach fulfilment. The prize is yet distant, for it is the end alone which crowns the work.

I must now perform the pleasant duty of recording my appreciation of the work of the officers and the staff of the Finance Department. To them we owe the accurate picture of our finances presented to-day. I venture to claim that it is to no small extent due to their exacting watchfulness that our finances bear the satisfactory appearance that they do today. We have passed through times of real anxiety in which every person in the department has given us of his best in study, examination and criticism. It is fortunate that during the year, the personnel of the department has remained unchanged. Mr. H. D. Bhanot has continued to preside over the department (*Hear, hear*), his name has become synonymous with hard and unsparing work, and with years he has developed the essential virtue in this department of presenting a stern countenance to all demands to which any exception can possibly be taken. (*Hear, hear.*) On his judgment I have learnt to rely unhesitatingly. He has learnt to enforce the best traditions of exchequer control and he has won for himself a sure place in the distinguished company of our many distinguished Finance Secretaries. (*Hear, hear.*)

His two principal assistants continue to add even to their remarkable record of efficiency. The work of Mr. H. J. Pearson, our Deputy Secretary, as an expert in Public Works finance is of the highest value as it is to him that we turn for examination of expensive projects. (*Hear, hear.*) Rai Sahib Lala Lal Chand, the Assistant Secretary is, among other duties, in general charge of our budget, and his knowledge of detail and past practice is of real advantage. (*Hear, hear.*)

I am anxious once again to mark my appreciation of the excellent work of our Superintendents and Assistants. On them falls the burden of the careful presentation of all relevant facts, and accustomed, as I happen to be, to dive into details myself, I am able to testify to the accurate discharge of their duties. The success of the department is due in no small measure to their zealous co-operation, high sense of duty, and unremitting painstaking work. (*Hear, hear.*)

I must also record the Government's tribute to the assistance received from the Accountant-Generals who have watched our accounts during the year. (*Hear, hear.*) There have been three changes in this office in this

[Finance Minister.]:

period, but that has not interfered with the continuity of auditorial scrutiny. This was the first year since the introduction of Provincial Autonomy when the accounts of a year came under the examination of the Public Accounts Committee of this House. In this difficult work the assistance given to us by Mr. T. R. Sadasivam, the then Accountant-General, was of the utmost value. (*Hear, hear.*)

Sir Ernest Burdon, the Auditor-General for India, has always readily helped us by his authoritative advice, and his counsel has been of great advantage to Government. Our sincere thanks are due to him. (*Hear, hear.*)

Sir, I beg to present to the Assembly the Budget for the year 1940-41. (*Applause.*)

The Assembly then adjourned till 12 noon on Monday, 4th March, 1940.

ND-X

Vol. XI-A.

	PAGES.		PAGES.
A.		ADDITIONAL DISTRICT MAGISTRATE(S)—	
ABDUL AZIZ, MIAN—		Question re ..	602
Bill,		Question re Dera Ghazi Khan..	600
Factories (Punjab Amendment)		ADDITIONAL POLICE POST—	
motion for reference to		Question re	
Select Committee ..	47—51	Apportionment of cost of, at	
Motor Vehicle Taxation		Raja Jung ..	2
(Amendment), motion for		Posting of, in village Chananwal	
eliciting public opinion ..	274—75	and others in district Ludhi-	
Meeting of Assembly on Wed-		ana ..	83
nesday, 21st February, 1940	269	ADJOURNMENT—	
Meeting on Wednesday and hours		Of the assembly ..	270,
of sitting. Motion re ..	714-15		745-46
Staff for preparation of electoral		ADJOURNMENT MOTION(S)—	
rolls ..	834—37	Discussion of, during Budget ..	532—36
ABDUL HAMID KHAN, SUFI—		re Discrimination and favour-	
Extra police staff for internal		itism to members of Ministe-	
security ..	849—51	rial Party ..	459—62,
ABDUL HAQ SHAH—			494—510
Question re Remarks against,		re Education Budget of District	
Head Constable, Police ..	19	Board, Jullundur ..	353—55
ABDUL HAYE, THE HON'BLE MIAN—		re Nominations to Rohtak Municip-	
Adjournment motion re—		al Committee ..	712
Education Budget of District		re Postponement of Elections to	
Board, Jullundur ..	355	local bodies ..	355-56,
Teachers of District Board			393—419
Schools, Jullundur ..	671—73	re Raids in Isakhel ..	351—53
ABDUL RAB, MIAN—		re Rohtak Municipal Committee	457—9
Adjournment motion re teachers		re Seduction of boys by tea-	353
of D. B. Schools, Jullundur ..	667—69	chers ..	
ARIANA—		re Strike in Government Tan-	
Question re—		ning Institute, Jullundur ..	167—172
In canal irrigated area of Pal-		re Teachers of District Board	
wal ..	238	School, Jullundur ..	604—06
Land Revenue, and taqawi loans			661—84
realised from Jhajjar Tehsil	530	re Treatment of "Haryana Tilak"	
ASSOONDER—		as unauthorised newspaper	712—13
Question re Amar Singh, Mr., in		ADMINISTRATOR—	
the Babar Akali Conspiracy		Question re Lahore Municipality	439
Case. ..	884	ADMINISTRATIVE SUB-JUDGES—	
ACQUISITION—		Question re, Increase in the num-	
Question re, of land at the foot of		ber of, ..	329
Shivalik hills in Kharar and		ADVERTISEMENTS—	
Rupar Tahsils ..	596	Question re—	
ACT(S)—		Distribution of official among	
Question re—		papers in the Punjab ..	897
Securities taken under the		Of Debt Conciliation Boards and	
Indian Press (Emergency		Law Courts and newspapers	213
Powers) of 1931 ..	162	AZZAALALI HASHIE, SYED—	
States Protection, ..	211	Bill Thal (Increase in Value),	
Zamindars in financial diff-		Reference to Select Commit-	
culties due to new, ..	235	tee ..	204
		AGHARIAN LAWS—	
		Question re Working of ..	576

	PAGES.		PAGES.
AGREEMENT—		APPOINTMENT—<i>concl'd.</i>	
Question re between Leaders of kisan morcha and the Premier	212	Question re— <i>concl'd.</i>	
AGRICULTURAL TRIBE—		Communal proportion among fresh, made by District Judge, Hissar	346
Question re application for notification as, ..	309	Instructions to heads of Government departments for making, ..	599
AGRICULTURISTS—(s)—		New, to be made in the Irrigation Secretariat ..	249
Question re—		Appropriation Accounts and Finance account laid on the Table ..	536
Exemption of a house of an, from attachment in execution of a decree ..	307	ARAZI DHAN SINGH—	
Number of, & non-agriculturists in the Irrigation Secretariat..	248	Question re Treatment of residents of Tiba Dhak Salah and, in Samundari tahsil as non-agriculturists ..	581
ARRAHS—		AREAS—	
Question re Exemption of, from application of Criminal Tribes Act ..	328	Question re schedule of minimum and maximum, for houses in Lahore ..	436
ARRAR LEADERS—		ARMS LICENSES—	
Question re Arrest and Prosecution of, and workers ..	511	Question re cancellation and grant of, in Ludhiana district	342
AIR RAID PRECAUTIONS—		ARREST(s)—	
Question re, for Lahore ..	898	Question re—	
AJIT SINGH, SARDAR—		In connection with Lahore kisan morcha ..	451
Bill, Motor Vehicle Taxation (Amendment) Passing ..	374—5, 376-7	Of dacoits committing murder and dacoity in village Hathur in Ludhiana district ..	266
Punishment ..	298—303	Under criminal Law Amendment Act ..	889
AKSARIYAT YA KHOON—		Under Defence of India Act..	455—514
Question re ..	893	ASSESSORS—	
ALLEGATIONS—		Question re Jurors and, ..	601
Question re—		ATTACHMENT—	
Against a Deputy Collector of Irrigation department ..	588	Question re exemption of a house of an agriculturist from, in execution of a decree ..	307
Inquiries into, against Government servants ..	223		
ALLOTMENT—			
Question re, of land to small zamindars in Nili Bar and Lower Bari Doab Colonies ..	240		
AMAR SINGH—			
Question re, an absconder in the Babar Akali Conspiracy Case..	884		
AMENDMENT—			
Question re of zaildari rules ..	591		
AMJID ALI SHAH, SAYAD,—			
Bill, Excise (Amendment), passed ..	538		
ANTI-AIR RAID PRECAUTIONS—			
Question re, for Lahore ..	898		
ANTI-CORRUPTION DEPARTMENT—			
Question re ..	214		
Question re detection of cases of corruption by the— ..	518		
ANTIDOTE—			
Question re, for snake bite prepared by Hakim Nadir Shah..	161		
ANTI-EROSION CIRCLE—			
Question re Reclamation of lands in Kangra district by, ..	586		
ANTI-SNAKE BITE MEDICINE—			
Question re sample of, by one Sardar Dhean Singh ..	146		
APPOINTMENT(s)—			
Question re—			
Approved candidates for, in the English Branch of the office of the Deputy Commissioner, Rohtak ..	232		
		B.	
		BABAR AKALI—	
		Question re Amar Singh, an absconder in the, conspiracy case	384
		BAND BALLYAHU DAM—	
		Question re survey ..	10
		BALWANT SINGH, SARDAR—	
		Question re, ..	597
		BANKS—	
		Question re Land sold and given on Mustajri in execution of decree of Co-Operative Societies	574
		BANNERJEE, DR.—	
		Question re of Balgoria State, Bengal ..	594
		BANNING OF ENTRIES—	
		Question re, of persons in the Province ..	889
		BABAT ALI, MALIK—	
		Bill,—	
		Factories (Punjab Amendment) Motion for reference to Select Committee ..	37—39

	PAGES.		PAGES.
BAREILLY ALI MAHER—<i>concl'd.</i>		BUDGET—	
Bill— <i>concl'd.</i>		Presentation, ..	899—915
Motor Vehicles Taxation		BUILDING—	
(Amendment), Motion for		Question re—	
eliciting public opinion ..	281-32	Collapse of a portion of,	
Thal (increase in value), refer-		Veterinary Hospital, Jampore ..	599
ence to Select Committee ..	121—123	Offer of a , for a Middle Girl	
BARNESWAR—		School at Zira ..	883
Question re Total commanded		BUILDING SCHEME—	
Area on, ..	527	Question re, for Lahore prepared	
B. C. G. A. OIL EXPELLERS MILLS—		by Mr. A. C. Macnabb ..	438
Question re, Khanewal ..	580	BUND—	
BEADON ROAD—		Question re damage done to,	
Question re removal of the nu-		constructed in Nakti Nadi ..	238
isance caused by the storm-water		BUNDLAI SIKHS—	
channel on, Lahore ..	80	Question re Government service	
BEGAR—		and, in Multan and Jhang dis-	
Question re prohibition of, and open-		tricts ..	220
ing of public wells to Harijans	686	BYE-LAWS—	
BEIT ILAQA—		Question re new, of District	
Question re roads in, in Ludhiana		Board, Ludhiana ..	421
district ..	4		C.
BHAGAT RAM CHANANNA, LALA—			
Question re, of Lyallpur ..	14	CANAL—	
BHAGAT RAM CHADA, LALA—		Question re reduction in supply	
Adjournment motion re—		of water in old Sidhnai ..	577
Teachers of District Board		CANONISATION—	
Schools, Jullundur ..	673—75	Question re, of gun licenses by	
Bill—		Deputy Commissioner, Kangra ..	518
Motor Vehicles Taxation		CANDIDATES—	
(Amendment), Punishment	299	Question re approved, for appoint-	
BHAGAT SINGH, SARDAR—		ments in the English Branch	
Question re Internment of, of		of the office of the Deputy	
Bilga, district Jullundur ..	216	Commissioner, Rohtak ..	232
BHIM SEN SACHAR, L.—		CANTONMENT BOARD—	
Bill, relief of Indebtedness (Amend-		Question re revised terminal tax	
ment)—		schedule of, of Ambala ..	77
Exemption of certain Banks from		CARNIVALS—	
operation of, ..	749-50	Question re,	423
Inclusion of insurance companies		CARTS—	
under operation of, ..	778	Question re nuisance caused by,	
Interest, rate of, ..	779—81,	full of filth and rubbish in	
Division voting in ..	639,	bazar Machhihatta, Lahore ..	443
	646—48	CASES—	
BILL—	860	Question re, of corruption under	
See—		trial in the districts of Jhang	
Excise (Amendment) Bill ..		and Lyallpur ..	222
Factories (Punjab Amend-		CATTLE LIFTING—	
ment) Bill ..		Question re cases of, in Ambala	
Motor Vehicles Taxation		District ..	872
(Amendment) Bill ..		CERTIFICATES—	
Relief of Indebtedness		Question re grant of special, to	
(Amendment) Bill ..		untrained teachers ..	446
State Aid to Industries		CENTRAL JAIL—	
(Amendment) Bill ..		Question re irregularities in the	
Thal (Increase in Value) Bill		Administration of, Lahore ..	329
BINDA SARAN, RAI BAHADUR—		CHAIRMAN—	
Reference, to late, ..	138-34	Question re disallowance	
BIRTHS—		of resolution by, District Board,	
Question re, and deaths in Hissar		Ludhiana ..	705
district ..	25	CHAMAN LALL, DIWAN—	
BLACK LIST—		Adjournment motion re—	
Question re approved and, of		Postponement of elections to	
newspapers ..	163	local bodies,	405—09
BUDGET—		Rohtak Municipal Committee,	
Adjournment motion re—		(Leave to move) ..	457—59
Education, of District Board,			
Jullundur ..	353—55		

CHAMAN LALL DIWAK—*concl'd.*

	PAGES.
Adjournment of the Assembly Bill, Excise (Amendment), Circulation ..	745-46 339-93, 462-66
Bill(s)—	
Factories (Punjab Amendment) motion for reference to Select Committee ..	32, 57 58-59
Motor Vehicles Taxation (Amendment), motion for eliciting public opinion ..	287
Motion for reference to Select Committee ..	291-291
Consideration ..	300
Passage ..	377-83
Relief of Indebtedness (Amendment), Interest, rate of, ..	638-40
Thal (Increase in Value) Reference to Select Committee ..	129-130
Thal (Increase in Value), motion for consideration ..	172-78, 179-80, 181-83 184-86
Motion re Government business on Thursday ..	131-32, 357-59
Personal Explanation re Loan by United Provinces Government ..	267, 268, 269
Point of Order re—	
Discussion on the third reading of a Bill should be unlimited ..	375-6
Admissibility of adjournment motion re favouritism and discrimination for which a Minister is responsible ..	496, 497-99, 500-01, 503, 505-09
Seating arrangement ..	358
Staff for preparation of sectoral rolls ..	843-44
Supplementary Estimates—	
General discussion ..	745
Time limit of speeches, fixation of ..	741
Withdrawals of, from the House ..	536
CHAMAN SINGH, COMRADE—	
Question re—	
Subsistence allowance for parents of, ..	223
CHAUHAN—	
Question re, system in Municipal and Small Town Committee ..	688
CHHOTU RAVI—	
Question re stagnant water in, Lahore ..	13

	PAGES.
CHHOTU RAM, THE HON'BLE CHAUV- DESI SIR—	
Adjournment motion re—	
Postponement of elections to local bodies ..	409-12
Strike in Government Tanning Institute, Jullundur ..	169-171
Bill—	
Excise (Amendment) consideration ..	339
Introduction ..	389
Factories (Punjab Amendment) motion for reference to Select Committee ..	51-55, 56-57, 58, 59-62, 63-65
State Aid to Industries (Amendment), presentation of report of drafting Committee ..	88
Report of Drafting Committee, Consideration of ..	88
Passage ..	91 98-99
Relief of Indebtedness (Amendment), exemption of Co-operative Societies from the operation of ..	771-75
Inclusion of insurance companies under the operation of the bill ..	778
Motion for Circulation ..	614-27
Supplementary demand Industries ..	858-59
Unemployment Committee Report Discussion ..	204-06
CHIEF ENGINEER(S)—	
Question re—	
Retirement of, Irrigation Department ..	586
And Superintending Engineers Irrigation Department ..	248
CIVIL COURTS—	
Question re—	
Closing of, on last Saturday ..	327
Debtors declared fictitious by, Jhang ..	317
CIVIL HOSPITALS—	
Question re office of Inspector-General, ..	257
CLERKS—	
Question re transfer of, from Head Office of Deputy Commissioner, Criminal Tribes to the sub-offices ..	370
COLLAPSE—	
Question re of a portion of the building of Veterinary Hospital, Jampore ..	599
COLLEGE STAFF—	
Question re recruitment of, of the University Law College ..	155
COLLECTOR—	
Question re lands attached and transferred to, district Ambala ..	579
COLLIERY—	
Question re grant of licence for Mallarwal, in Isakhel tehsil of Mianwali district ..	323

PAGES.	PAGES.
COLLISION—	CO-OPERATIVE DEPARTMENT—
Question re between Diesel Rail Cars and Motor Buses of Moga and Dasuya .. 428	Question re—
COLONIES—	Candidates for the post of Financial Advisor .. 519
Question re damage to cotton crops in Nili Bar and other, .. 580	Communal representation among Deputy Registrars, .. 342
COMMANDED AREA—	Deputy Registrar, .. 600
Question re total, on Banswal .. 527	Financial Advisor, .. 324
COMMITTEE(S)—	CO-OPERATIVE SOCIETIES—
Question re—	Question re—
Chaukidara in Municipal and Small Town, .. 688	Land sold and given on Mastajri in execution of decrees of, Banks .. 574
Hospital Advisory, Ludhiana .. 141	Liquidated, Rohtak and Karnal Districts .. 318
COMPENSATION—	Sub-Inspectors, who were made in charge of the famine relief work at Hissar .. 578
Question re, to sufferers in communal riot at Multan .. 219	CO-OPERATIVE UNION—
COMPLAINTS—	Question re voting of money for War by, in the Punjab .. 310
Question re—	COPYISTS—
Against Headmaster, Palwal High School .. 874	Question re Urdu and English, in district courts, Amritsar .. 581
Against Headmistress, Government Normal and Middle School for Girls at Palwal .. 447	CORPORATION BILL—
Against Police officials of Chankaur, District Ambala .. 705	Question re city of —Lahore, .. 343
Against President, Municipal Committee, Jhajjar .. 23	CORRESPONDENCE—
COMMUNAL PROPORTION—	Question re, between Pandit Shri Ram, Sharma, M.L.A., and Maulvi Fateh Din, Fodder Advisor .. 572
Question re among fresh appointments made by District Judge, Hissar .. 346	CORRUPTION—
COMMUNAL RATIO—	Question re—
Question re in the Ambala Division .. 899	Cases of, under trial in the districts of Jhang and Lyallpur .. 223
COMMUNAL REPRESENTATION—	Complaint against, of Police at Bahadurgarh .. 338
Question re—	Detection of cases of, by Anti-corruption Department .. 518
Among Deputy Registrars, Co-operative Department .. 342	COST—
Among teachers in Girls Schools in Hissar district .. 253	Question re apportionment of, of Additional Police Post, Raja Jang .. 2
In the establishment of the office of Director, Public Health .. 255	COTTON CROPS—
In the office of Deputy Commissioner, Dera Ghazi Khan .. 348	Question re—
COMMUNAL RIOTS—	Damage to, in Nili Bar and other Colonies .. 590
Question re compensation to sufferers in, at Multan .. 219	Destruction of, by Tirah .. 308
CONCENTRATION CAMPS—	COURTS—
Question re—	Question re Urdu and English copyists in district, Amritsar .. 581
Cows in Government, .. 233	COWS—
Purchase of cows for, in Hissar district .. 244	Question re—
CONSPIRACY CASE—	In the Government Concentration Camps .. 233
Question re Amar Singh, an abconder in the Babar Akali, .. 884	Purchase of, for Concentration Camps in Hissar district .. 244
CONSTABLES—	CRIMINAL CASES—
Question re salaries of, and Head Constables of Police .. 340	Question re, in Jhang and Lyallpur districts .. 424
CONTRACT—	CRIMINAL LAW AMENDMENT ACT—
Question re for Tirmi tax in Jhang district .. 591	Question re Arrest under, .. 889
CONTRACTORS—	CRIMINAL TRIBES ACT—
Question re, who applies for supplying taceavi fodder .. 531	Question re exemption of shira from application of, ..

PAGES.	PAGES.
CROPS—	DEBT CONCILIATION BOARD—concl'd.
Question re—	Question re—concl'd.
Damage to, .. 529	Fictitious claims before the, .. 312
Failure of, in Attock district .. 584	Occupation of rest-houses by members of, .. 23
CULVERTS—	Permission to be represented by a Lawyer before, Jhang .. 320
Question re absence of, on water-courses in Nili Bar .. 241	Places visited by, Jhelum .. 313
	Travelling allowance paid to members of, .. 312
D.	Travelling allowance to member of, Jhelum .. 312
DACOIT(S)—	DEBTORS—
Arrests of, committing murder and decoity in village Hathur in Ludhiana district .. 266	Question re—
DACOITY(IES)—	Cases filed by, before Debt Conciliation Board, Jhang .. 320
Question re—	Declared fictitious by civil courts, Jhang .. 317
Arrest of dacoits committing murder and, in village Hathur in Ludhiana District .. 266	DECREE(S)—
Murders and, committed in districts of Jhang and Lyallpur .. 425	Question re—
Murders and, in Rohtak, Gurgaon, Hissar and Karnal districts .. 261	Exemption of House of an Agriculturist from attachment in execution of a, .. 307
On the road to village Dala in district Ferozepore .. 20	Land sold and given on Mustajri in execution of, of Co-operative Societies Banks .. 574
Reports of thefts and, registered at various police stations in the Kangra district .. 7	DECREE-HOLDERS—
DAIS—	Question re grant of mustajri to, Ambala district .. 580
Question re scholarships granted for training of, and nurses in Kangra district .. 882	DEFENCE OF INDIA ACT—
DALIT SINGH, SARDAR—	Question re arrests under, .. 455, 514
Question re, of village Tapiala .. 594	DEGREE COLLEGE—
DAMAGE—	Question re, in Dera Ghazi Khan district .. 87
Question re—	DEMONSTRATION—
To cotton crops in Nili Bar and other colonies .. 590	Question re, by kisans at Lahore .. 162
To crops .. 529	DEPUTY COLLECTOR—
DAURA CHAH—	Question re allegations against a, of Irrigation department .. 588
Question re revenue in Multan Division .. 577	DEPUTY COMMISSIONER—
DAYA SINGH SARDAR—	Question re—
Question re, an internee .. 162	Cancellation of gun licences by, Kangra .. 518
DEAD HOUSE—	Communal representation in the office of, Dera Ghazi Khan .. 348
Question re, Rohtak .. 138	DEPUTY COMMISSIONER, CRIMINAL TRIBES—
DEATH RATE—	Question re transfer of clerks from the Head office of the, to the sub-offices .. 330
Question re Increase of, in Hanai Tehsil .. 875	DEPUTY REGISTRARS—
DEATHS—	Question re—
Question re births and, in Hissar District .. 25	Communal representation among, co-operative Department .. 342
DEBT(S)—	Co-Operative department .. 600
Question re decretal, .. 346	DEPUTY SUPERINTENDENT, VETERINARY—
Question re Discharged by Debt Conciliation Board, Jhang .. 592	Question re, Hissar .. 600
DEBT CONCILIATION BOARD—	DETENUS—
Question re—	Question re, in the Lahore Fort .. 221
Advertisements of, and Law Courts and newspapers .. 213	DEVASTATION—
Bhakkar .. 591	Question re, made by Som Nadi .. 233
Cases filed by Debtors before, Jhang .. 320	DEV RAJ SETHI, MR.—
Debts discharged by, Jhang .. 592	Bill—
	Excise (Amendment), Circulation .. 469—7

PAGES.	PAGES
DEV RAJ SETHI MR.—<i>concl'd.</i>	
Bill— <i>concl'd.</i>	
Excise bottle, definition of, ..	490-1
Relief of Indebtedness (Amendment) debts ..	799-801
Exemption of certain banks from operation of, ..	747-48, 760-61
Rate of interest to be charged, ..	781-82
Thal (Increase in Value) Circulation to elicit public opinion ..	108-113
SUPPLEMENTARY DEMAND—	
<i>re</i> Extra police staff for internal security ..	845-47
DHRAN SINGH, SARDAR—	
Question <i>re</i> sample of anti-snake bite medicine by one, ..	146
DHUNDI ESTATE—	
Question <i>re</i> Reservation of land for grazing purposes in, ..	574
DIGSHI RAIL CARS—	
Question <i>re</i> collision between the, and motor buses at Moga and Dasuya ..	428
DIRECTOR, INFORMATION BUREAU—	
Question <i>re</i> travelling allowance drawn by, for going to Sholapur ..	513
DIRECTOR, PUBLIC HEALTH—	
Question <i>re</i> communal representation in the establishment of office of, ..	255
DISCIPLINE—	
Question <i>re</i> , in Intermediate College, Rohtak ..	135
DISEASE—	
Question <i>re</i> spread of a new kind of, in the Famine-stricken Area of Jhajjar Tehsil ..	879
DISPENSARIES—	
Question <i>re</i> —	
Appointment of dispensers in, and Hospitals in the Punjab ..	450
Tuberculosis cases and other patients who attended Hospital, and, at Amritsar ..	449
DISPENSERS—	
Question <i>re</i> appointment of, in dispensaries and hospitals in the Punjab ..	450
DISQUALIFICATION—	
Question <i>re</i> , of Lala Ram Narain Virmani as a result of an Election Petition against him ..	692
DISTRICT BOARD(S)—	
Question <i>re</i> —	
Election Petitions in connection with last District Board Elections, Hoshiarpur ..	336
Elections to, Jullundur ..	74
Last Elections to, Hoshiarpur ..	332
Ludhiana, affairs ..	703
Misarrangement of Ludhiana, funds ..	11
New Bylaws of, Ludhiana ..	421
Nominations to, and Municipal Committees ..	76
DISTRICT BOARDS—<i>concl'd.</i>	
Question <i>re—concl'd.</i>	
Persons recommended by Deputy Commissioner, Hoshiarpur, for nominations to Hoshiarpur, ..	12
Representation of Muslims on, Montgomery ..	76
Representations <i>re</i> Interference in last, Elections, Hoshiarpur ..	333
DISTRICT BOARD, LUDHIANA—	
Question <i>re</i> —	
Disallowance of a resolution by the Chairman, ..	705
Elections of, ..	80
DISTRICT COURTS—	
Question <i>re</i> —	
Urdu and English Copyists in, Amritsar ..	581
DISTRICT JUDGE—	
Question <i>re</i> communal proportion among fresh appointments made by, Hissar ..	346
DOMESTIC SCIENCE—	
Question <i>re</i> ..	879
DOUBLE FEE—	
Question <i>re</i> , charged in schools, ..	155
DRINKING WATER—	
Question <i>re</i> scarcity of, in village Adampur ..	160
DROUGHT—	
Question <i>re</i> , in Attock district ..	582
"DUKHI DUNYA"	
Question <i>re</i> demand of security from weekly, ..	212
DUNI CHAND LALA—	
Adjournment motion—	
Raids in Isakhel ..	351, 352, 353
Seduction of boys by teachers ..	353
Bill—	
Motor Vehicles Taxation (Amendment), Passage ..	368-69
Relief of Indebtedness (Amendment), Court, definition of, ..	634, 635, 636
Thal (Increase in Value), Reference to Select Committee ..	127-128
Staff for preparation of electoral rolls ..	830-33
Unemployment Committee Report ..	206-209
DUNI CHAND MRS.—	
Bill—	
Relief of Indebtedness (Amendment), exemption of certain banks from operation of ..	751-52
Supplementary Estimates, General discussion ..	727-33
E.	
EDUCATION DEPARTMENT—	
Question <i>re</i> supersession in, ..	877
ELECTION(S)—	
Adjournment motion <i>re</i> postponement of,—to local bodies ..	355-56, 393-419

ELECTION— <i>conold.</i>	PAGES.		PAGES.
Question re—		EXTENSION—	
Appointment of Executive Officers by, ..	696	Question re—	
Election petition in connection with last District Board, Hoshiarpur ..	336	Given to Mr. Sherani and Mr. Muhammad Shafi of Oriental College, Lahore ..	147
Interference in, ..	873	Grant of, to members of Provincial Service ..	221
Last, to District Board, Hoshiarpur ..	332	EXTRA ASSISTANT COMMISSIONER—	
Of District Board, Ludhiana..	80	Question re—	
Representations <i>re</i> interference in last District Board, Hoshiarpur ..	333	Muslim and sub-Judges ..	347
To District Board, Jullundur ..	74	Recruitment community-wise of, tahsildars and naib-tahsildars from Ambala division..	254
ELECTION PETITION(s)—			
Question re—		F.	
Disqualification of Lala Ram Narain Virmani as a result of Election Petition against him ..	692		
In connection with last District Board Elections, Hoshiarpur ..	336	FACTORIES (PUNJAB AMENDMENT) BILL—	
ELECTORAL ROLLS—		Motion for reference to Select Committee ..	32—36
Question <i>re</i> Punjab Legislative Assembly, ..	250	FAILURE—	
ELECTRIFICATION—		Question <i>re</i> of crops in Attock district ..	584
Question <i>re</i> , of rural centres ..	434	FAIZ MUHAMMAD, SHEIKH—	
EMBEZZLEMENT—		Bill, Motor Vehicles Taxation (Amendment), (Passed) ..	364
Question re—		FAMINE CONDITIONS—	
In Hissar Famine relief works..	224	Question <i>re</i> , in Hissar district ..	249
In Public Health Equipment Department, Jullundur ..	448	FAMINE RELIEF—	
EMPLOYEES—		Question <i>re</i> Sub-Inspectors, Co-operative Societies, who were made incharge of the, work at Hissar ..	578
Question re—		FAMINE RELIEF WORK(s)—	
Discharged Municipal, ..	709	Question re—	
Number of, in the Municipal Committee, Amritsar ..	440	Departmental inquiry in connection with, ..	230
ENCOUNTER—		Embezzlement in Hissar ..	224
Question <i>re</i> , between suspects and police in Ludhiana district..	698	FAMINE TAX WORK—	
ENGINEERS—		Question <i>re</i> subordinates in, Rohtak district dismissed or punished otherwise ..	232
Question <i>re</i> Chief and Superintending, in Buildings and Roads Branch of the Public Works Department ..	425	FATEH DIN, MAULVI—	
ENTRY—		Question <i>re</i> correspondence between Pandit Shri Ram Sharma, M.L.A., and, Fodder Advisor ..	572
Question <i>re</i> banning of, of persons in the Province ..	889	FATEH WAL MURDER CASE—	
EJOISE (AMENDMENT) BILL—		Question <i>re</i> expenses incurred on, ..	327
Circulation ..	389—93, 462—89	FEES—	
Consideration ..	389, 489—94	Question <i>re</i> charging of, by doctors in the family ward of the Mayo Hospital, Lahore ..	141
Introduction ..	389	FICTITIOUS CLAIMS—	
Passing of ..	537—39	Question <i>re</i> , before the Debt Conciliation Boards ..	312
EXECUTIVE OFFICERS—		FICTITIOUS DEBTORS—	
Question re—		Question <i>re</i> , declared by the Civil Courts, Jhang ..	317
Appointment of, by election ..	696	FILTH—	
Of Ludhiana Municipal Committee ..	421	Question <i>re</i> nuisance caused by carts full of, and rubbish in Bazar Machhihata, Lahore ..	443
EXEMPTION—		FINANCE ACCOUNTS—	
Question <i>re</i> , of a house of an agriculturist from attachment in execution of a decree ..	307	Appropriation Accounts and, laid on the table ..	536
EXPENSES—			
Question <i>re</i> incurred on Fatehwal murder case ..	327		

PAGES.	PAGES.
FINANCIAL ADVISOR—	GENE—
Question re—	Question re licence fee for sale of,
Candidates for post of, Co- operative Department ..	in Ludhiana ..
Co-operative Department ..	73
FINE—	GHULAM SAMAD, KHAN SAHIB,
Question re realization of, imposed on people of Mahilpur, district Hoshiarpur ..	KHAWAJA—
69	Bill, Motor Vehicles Taxation (Amendment),
FIRE—	Passage ..
Question re breaking out of a, in village Saranwala in district Ambala ..	Bill, State Aid to Industries (Amendment),
590	Passage ..
FIREARMS—	96-97
Question re licenses for, ..	GIRLS—
FLOODING—	Question re—
Question re, of kisan morcha pri- soners ..	Complaints against Headmis- tress, Government Normal and Middle School for, at Palwal ..
593	Government High School for, at Bhiwani ..
FODDER—	447
Question re—	447
Contractors who applied for supplying taccavi, ..	GIRLS' SCHOOL(S)—
Distribution of, in Hissar dis- trict ..	Question re—
Relief for scarcity of, in Attock district ..	Communal Representation among teachers in, in Hissar district ..
585	In Dera Ghazi Khan ..
FODDER ADVISOR—	135
Question re correspondence between Pandit Shri Ram Sharma, M.L.A., and Manvi Fatch Din, ..	In Hissar district ..
572	Inspectress of Lahore Circle ..
FODDER CAMP—	151
Question re, at Jhonia, tahsil Bhiwani ..	Offer of a building for a Middle, at Zira ..
225	Opening of a, at Bilga, District Jullundur ..
FOREST COMMISSION—	155
Question re reports of, Unemploy- ment Committee and Revenue Committee ..	GLASS WORKS—
308	Question re upper India, Ambala City ..
FRANCHISE—	323
Question re extension of, and abolition of nominations in Ludhiana Municipal Committee ..	GOBIND RAM—
427	Question re complaint of one, of village Ram Pura Dhillan Wala, District Hissar ..
FRIDAYS—	524
Question re grant of 2½ hours leave on, to Muslim Government Servants ..	GOKUL CHAND NARANG, DE. SIR—
523	Adjournment motion re strike in Government Tanning Institute, Jullundur ..
FUND(S)—	169, 170, 171-172
Question re—	Bill, Excise (Amendment)—
Collection of, for the Relief of Turkish sufferers ..	Circulation ..
Collection of, for War by Com- missioners and Deputy Com- missioners ..	Bill, Motor Vehicles Taxation (Amendment), motion for eli- citing public opinion ..
Mismanagement of, Ludhiana District Board, ..	Bill, Relief of Indebtedness (Amendment), definition of debt ..
G	Exemption of certain banks from operation of ..
	Interest, rate of, ..
	Bill, State and Industries (Amend- ment),
	Passage ..
	93-95, 96
	GOPI CHAND BHARGAVA, DE.—
	Adjournment of the House ..
	Bill, Thal (Increase in Value),—
	Circulation to elicit public opinion ..
	Meeting on Wednesday and hours of sitting ..
	193-95 717

PAGES.	PAGES.
HEADMISTRESS Question re complaints against Government Normal and Middle School for Girls at Palwal ..	
447	
HEALTH— Question re, of kisan morcha prisoners ..	592
HEARNWALL DISTRIBUTARY— Question re, in Ferozepore district ..	223
HILLY TRACTS— Question re Primary and Middle Schools in this, of Dera Ghazi Khan district ..	135
HINDI GIRLS' SCHOOL— Question re Orders issued by Education Department to aided, stopping their grant-in-aid ..	150
HINDI MAHAJAI SCHOOL— Question re, Sima ..	599
HOME SCIENCE SCHOOL— Question re, at Shahjapur, district Lahore ..	149
HONORARY MAGISTRATES— Question re appointment of some Hon'ble Members of Assembly as Sub-Registrars or, ..	896
HOSPITALS— Question re— Appointment of Dispensers in dispensaries and, in the Punjab .. In Hilly Tracts of Dera Ghazi Khan district .. Training of midwives in Lady Aitchison, Lahore .. Tuberculosis cases and other patients who attended, and dispensaries at Amritsar ..	450 445 880 449
HOSPITAL ADVISORY COMMITTEE— Question re, Ludhiana ..	141
HOURS OF SITTING— Motion re ..	606
HOUSE(S)— Question re— Exemption of a, of an Agriculturist from attachment in execution of a decree .. Fixing of minimum Areas for, in Lahore by Lahore Municipality .. Schedule of minimum and maximum areas for, in Lahore ..	307 437 436
HUNGER STRIKE— Question re, of political prisoners in Ferozepore District Jail ..	329
I	
INDIAN CIVIL SERVICE OFFICERS— Question re Quota of, in the Punjab ..	893
ILLITERACY— Question re introduction of shift system for combating, ..	449
INCIDENTS— Question re Official version of, at Thatta ..	884
INDEBTEDNESS ACT— Question re Punjab Relief of, ..	341
INDIAN PRESS (EMERGENCY POWERS) ACT— Question re Securities taken under, of 1931 ..	592
INDIAN SUCCESSION ACT— Question re issue of notification under Section 264 of, ..	327
INDUSTRIAL SCHOOL— Question re, at Hissar ..	254
INDUSTRIES— Question re grant of stipends to students to specialise in, in foreign countries ..	323
INFORMATION BUREAU— Question re travelling allowance drawn by Director of, for going to Sholapur ..	513
INQUIRY (IES)— Question re— Departmental, in connection with famine relief work .. Into allegations against Government servants ..	230 223
INSPECTOR-GENERAL OF CIVIL HOSPITALS— Question re office of, ..	257
INSPECTOR-GENERAL OF PRISONS— Question re asking prisoners of Lahore Central Jail for work at the house, of ..	329
INSPECTORS OF SCHOOLS— Question re ..	260
INSPECTRESS— Question re, of Lahore Circle Girls Schools ..	151
INSTRUCTIONS— Question re, to heads of Government Departments for making appointments ..	599
INTEREST— Question re rate of, on taocavi loans ..	590
INTERFERENCE— Question re, in elections ..	873
INTERMEDIATE COLLEGE— Question re discipline in, Rohtak ..	135
INTERNEE— Question re refusal of Legal Adviser's interview with Sardar Iqbal Singh, ..	216
INTERMENT— Question re— Of Sardar Bhagat Singh of Bilga, district Jullundur .. Prosecution and, of M.L.As., (Punjab) ..	216 213
IQBAL SINGH HUNDAL SARDAR— Question re .. Question re detention of, .. Refusal of Legal Adviser's interview with, internec ..	890 518 216
IRRIGATION— Question re, facilities for lands in village Rutewali in Gujranwala district ..	343

	PAGES.		PAGES.
IRRIGATION BRANCH—		KHIZAR HAYAT KHAN TIWANA,	
Question re Chief and Superin-	248	THE HONOURABLE NAWABKADA	
IRRIGATION DEPARTMENT—		MALIK—	
Question re—		Adjournment motion re—	
Allegations against a Deputy	588	Education Budget of District	355
Collector of, ..		Board, Jullundur ..	356,
Retirement of Chief Engineer	586	Postponement of Election to	412—16
of, ..		local bodies ..	457-58
IRRIGATION FACILITIES—		Rohtak Municipal Committee ..	604-05,
Question re, for village Pakhian,	247	Teachers of District Board	876—81.
Pakpattan, Tahsil ..		School, Jullundur ..	
IRRIGATION SECRETARIAT—		Bill, Motor Vehicles Taxation	
Question re—		(Amendment), motion for eli-	
New appointments to be made	249	citing public opinion ..	285-86,
in, Punjab ..		and duplicate thereof ..	287-88.
Number of Agriculturists and	248	Punishment ..	384—88
non-agriculturists in the, ..		Provision for issue of token	295
		and duplicate thereof ..	296, 299,
		Punishment ..	300, 301.
		KHOON—	
		Question re aksariyat ya, ..	893
		KHUSH HASIYAT TAX—	
		Question re imposition of, in Dipal-	
		pur and Pakpattan Tehsils ..	437
		KISANS—	
		Question re—	
		Death of, in jails ..	331
		Demonstration by, at Lahore ..	162
		KISAN MORCHA—	
		Question re—	
		Agreement between Leaders of,	
		and the Premier ..	212
		Arrests in connection with	
		Lahore, ..	451
		Sardar Hari Singh, M.L.A., a,	
		prisoner ..	328
		KISAN MORCHA PRISONERS—	
		Question re—	
		Flogging of, ..	593
		Health of, ..	592
		Release of, ..	592
		KRISHNA GOPAL DUTT, CHAUDHRI—	
		Adjournment motion re postpone-	
		ment of elections to local bodies	355-56,
			393—98,
			416—28.
		Bill, Relief of Indebtedness	
		(Amendment),	
		Debts ..	793—96,
			805—07.
		Exemption of co-operative so-	
		cieties from operation of, ..	762—778
		Motion for Circulation ..	607—14
		Meeting on Wednesday and	
		hours of sitting ..	713
		Supplementary Demand—	
		Industries ..	855—58
		Time limit of speeches, fixation	
		of, ..	741-42
		L	
		LADY AITCHISON HOSPITAL—	
		Question re training of Midwives	
		in, Lahore ..	880
JALAL-UD-DIN AMBAR, CHAUDHRI—			
Bill, Thal (Increase in Value),			
Reference to Select Committee	128-29		
JAT HIGH SCHOOL—			
Question re Speech of Hon'ble	887		
Premier in the, Rohtak ..			
JAWOBS—			
Question re, of the Rohtak district	525		
JUBOBS—			
Question re, and assessors ..	601		
K			
KABUL SINGH MASTER—			
Adjournment motion re—			
Teachers of D. B. Schools,			
Jullundur ..	669—71		
Bill, Relief of Indebtedness			
(Amendment)			
Debts ..	798-99		
KAPOOR SINGH, SARDAR—			
Bill, Motor Vehicles Taxation			
(Amendment),			
Passage ..	383-84		
Punishment ..	295-96		
Bill, Relief of Indebtedness			
(Amendment)			
Interest, rate of, ..	638-39,		
	641		
Bill, State Aid to Industries			
(Amendment)			
Passage ..	91-93		
KARTAR SINGH, CHAUDHRI—			
Meeting on Wednesday and hours			
of sitting ..	713-14		
KARTAR SINGH SARDAR—			
Adjournment motion re postpone-			
ment of elections to local bodies	398—401		
KESAR SINGH, BABA—			
Question re ..	597		

PAGES.	PAGES.
LAHORE CENTRAL JAIL—	
Question re Using prisoners of, for work at the house of Inspector-General of Prisons ..	329
LAHORE, MUNICIPALITY.—	
Question re realization of rent for Private lorry stands by, ..	345
LAL SINGH, SARDAR—	
Adjournment motion re strike in Government Tanning Institute, Jullundur ..	171-72
Meeting on Wednesday and hours of sitting ..	713
LAND(s)—	
Question re—	
Acquisition of, at the foot of Shiwalik hills in Kharar and Rapar tahsils ..	596
Allotment of, to landless people of Ambala and Karnal districts ..	539
Allotment of, to small zamindars in Nili Bar and Lower Bari Doab Colonies ..	240
Attached and transferred to the Collector, district Ambala..	579
Grant of, to zamindars in Makhdam Vinol Forest area ..	310
Reclamation of, in Kangra district by Anti-Erosion Circle..	538
Reservation of, for grazing purposes in Dhundi Estate..	574
Sold and given on mastsjri in execution of decrees of Co-operative Societies Banks ..	574
LANDED PROPERTY —	
Question re, acquired by Sadhu Singh, Sub-Inspector of Police ..	21
LAND REVENUE—	
Question re—	
Abiana and Taqavi loans realized from Jhajjar Tehsil ..	530
Realization of, in Hoshiarpur district ..	249
LAST SATURDAY—	
Question re closing of civil courts on, ..	327
LATHI CHARGE—	
Question re, in the Raghunath Temple at Gujranwala ..	80
LAW COLLEGE—	
Question re—	
Lahore, ..	139
Recruitment of the college staff of the University ..	155
Teaching staff of University..	151
LAWs—	
Question re working of Agrarian, ..	576
LAWYER—	
Question re permission to be represented by a, before Debt Conciliation Board, Jhang ..	320
LEAVE—	
Question re grant of 2½ hours, on Fridays to Muslim Government servants ..	523
LEVEL CROSSING—	
Question re loss of life due to unfenced Railway lines and un-manned ..	430
LICENSE(s)—	
Question re—	
Cancellation and grant of Arms, in Ludhiana District ..	312
Difficulties of Applicants for grant of, and registration under the Money Lenders Act ..	326
For firearms ..	452
For pistols and guns in the Province ..	217
Grant of, for Makarwal Colliery in Isa khel Tehsil of Mianwali district ..	322
Gun and revolver, ..	217
LICENSE FEE—	
Question re, for sale of ghee in Ludhiana ..	72
LIMITS—	
Question re, of the Lahore Municipality ..	438
LIQUIDATOR, CO-OPERATIVE SOCIETIES—	
Question re, Rohtak and Karnal districts ..	318
LOCAL BODIES—	
Adjournment motion re postponement of Elections to ..	355-56, 393-419.
LOOT—	
Question re, of shops at Nanaksar Gurdwara in Takhtupura Police Station ..	600
LOREYSTANDS—	
Question re —	
In Lahore ..	871
Realization of rent from Private, by Lahore Municipality ..	345
LOUDSPEAKERS—	
Question re ..	313
LOWER BARI DOAB CANAL—	
Question re ..	230
M	
MAJLAGAN ENGINEERING COLLEGE—	
Question re admission of students belonging to scheduled castes to ..	347
MAONABB, MR. A. C.—	
Question re building scheme for Lahore, prepared by, ..	438
MAGISTRATES—	
Question re Additional district..	602
MAHAJANS—	
Question re—	
Interview of, of villages Ghasoli (Sonapat) with the Superintendent of Police, Rohtak..	336
Victimization of, in Mewat Area of District Gurgaon ..	600

PAGES.		PAGES.
	MAHILPUR—	MINISTERIAL PARTY—
	Question re realization of fine imposed on people of, district Hoshiarpur .. 69	Adjournment motion re, discrimination of favouritism shown to members of, .. 450—62, 495—510.
	MAKARWAL COLLIERIES—	M. L. A.'s.—
	Question re grant of Licence for, in Isakhel Tehsil of Mianwali district .. 322	Question re—
	MAKHNUM VINOI FOREST—	Privileges of, .. 452
	Question re grant of lands to zamindars in, Area .. 310	Shadowing of, .. 214
	MANOHAR LAL, THE HONOURABLE MR.—	MOGA AGITATION—
	Appropriation Accounts and Finance Accounts, laid on the table .. 536	Question re, on Rayya Rajbali .. 212
	Bill, Excise (Amendment),—	MOHY-UD-DIN LAL BADSHAH, SAYED—
	Circulation .. 471—75	Bill, Thal (Increase in value), motion for consideration .. 195-96.
	Passed .. 637-38	MONEY—
	Budget Presentation of,—	Question re, allotted for rural development in the Province .. 321
	Supplementary Estimates, General discussion .. 744-45, 820-24.	MONEY-LENDERS REGISTRATION ACT—
	Presentation of .. 536	Difficulties of applicants for grant of licences and registration under, .. 326.
	MAQSOOL MAHMOOD, MIB.—	MORTGAGED LANDS—
	Bill, Relief of Indebtedness (Amendment)—Debts .. 801—03	Question re restitution of, .. 241.
	Interest, rate of, .. 639-40, 642—47,	MOTOR BUSES—
		Question re collision between the Diesel Rail cars and, at Moga and Dasuya .. 428.
	MAYO HOSPITAL—	MOTOR VEHICLES—
	Question re—	Question re registration of, .. 343.
	Affairs of, .. 161	MOTOR VEHICLES TAXATION (AMENDMENT) BILL—
	Charging of fees by doctors in the family ward of, Lahore .. 141	Motion for circulation, .. 271—90.
	MEDICAL DEPARTMENT—	Motion for consideration .. 270-71
	Question re supercessions in the, .. 876	Motion for reference to Select Committee .. 291—93.
	MEETING OF ASSEMBLY—	Passed .. 364—89.
	On Wednesday, 21st February, 1940 .. 269-70	MACHHIHATTA—
	MEETING ON WEDNESDAY AND HOURS OF SITTING—	Question re nuisance caused by carts full of filth and rubbish in Bazar, Lahore .. 443.
	Motion re, .. 713—18	MUHAMMAD HASSAN, CH.—
	MEMBERS OF ASSEMBLY—	Re extra police staff for internal security .. 847—49.
	Question re appointment of, as Sub-Registrars and Honorary Magistrates .. 896	MUHAMMAD HASAN KHAN, GURCHANI, KHAN BAHADUR SARDAR—
	METALLED ROADS—	Bill, State Aid to Industries (Amendment), .. 97-98
	Question re, for villages in Belt, Tahsil Pakpattan .. 77	Passage .. 97-98
	MIDDLE ARYA SCHOOL—	MUHAMMAD NURULLAH, MIAN—
	Question re grant of recognition to, Burka Kalan .. 143	Bill, Excise (Amendment), Circulation .. 475—77.
	MIDDLE GIRL SCHOOL—	Bill, Relief of Indebtedness (Amendment), rate of interest to be charged .. 782-83
	Question re offer of a building for, at Zira .. 883	Bill, Thal (Increase in value), Reference to Select Committee .. 191—93.
	MIDDLE SCHOOLS—	Government business on Thursday .. 359, 360, 361.
	Question re Primary and, in the hilly tracts of Dera Ghazi Khan district .. 135	MUHAMMAD SHAFI, MR.—
	MIDWIVES—	Question re extension given to Mr. Sherani and, of Oriental College, Lahore .. 147.
	Question re training of, in Lady Aitchison Hospital, Lahore .. 880	MUKAND LAL PURI, RAI BAHADUR—
	MIGRATION—	Bill, Excise (Amendment)—Excise Bottle, Definition of, .. 491.
	Question re, from Hissar, Gurgaon and Rohtak districts .. 240	
	MILLS—	
	Question re B. C. G. A. Oil expeller, Khushwal .. 58	

	PAGES.		PAGES.
MUKAND LAL PURI RAI BAHADUR—<i>concl'd.</i>		MUNI LAL KALIA, PANDIT—<i>concl'd.</i>	
Bill, Relief of Indebtedness (Amendment), —		Bill, Excise (Amendment)—	
Circulation ..	552-69,	Excise bottle, definition of ..	491-49
	606-07.	Withdrawal of, from the House ..	537
Court, definition of,	628-30,	POINT OF ORDER—	
	632.	Re admissibility of adjournment	
Debt, definition of, ..	790-92,	motion re discrimination or	
	796-98.	favouritism for which a	
Inclusion of Insurance Com- panies under the operation of,	778-79	Minister is responsible ..	496, 497,
Interest, rate of, ..	637, 641,		499, 500,
	648-49.		503.
MULA SINGH, SARDAR—		Consultation by the Speaker with	
Adjournment motion re—		Premier in connection with a	
Discrimination of favouritism		ruling ..	536-37
to members of Ministerial		MURDER(S)—	
Party ..	459, 494-95	Question re—	
Strike in Government Tan- ning Institute, Jullundur..	167, 168,	And dacoities committed in the	
	169-172.	districts of Jhang and Lyall-	
		pur ..	425.
Staff for preparation of electo- ral rolls ..	829-30	And dacoities in Rohtak, Gur- gaon, Hissar and Karnal dis- tricts ..	261
MUNICIPAL COMMITTEE(S)—		Arrests of dacoits committing, and dacoity in village Hathur in Ludhiana district ..	266.
Adjournment motion re, Rohtak	457-59	MURDER CASE—	
Question re—		Question re strictures against the	
Amritsar ..	685	Gujrat College, ..	22
Complaints against President, Jhajjar ..	23	MUSHTAQ AHMAD GURMANI, KHAN	
Constitution of the Simla, ..	685	BAHADUR MIAN—	
Conversion of Notified Area Committee, Chichawatni in- to 2nd class, ..	431	Bill, Thal (Increase in value), Reference to Select Committee ..	113-21
Efforts made by Secretary, Dal- housie to change the name of Dalhousie General Post Office	433	MUSLIM—	
Executive Officer of Ludhiana,	421	Question re representation of, on District Board, Montgomery ..	76
Extension of franchise and abolition of nominations in Ludhiana, ..	427	MUSLIMS GOVERNMENT SERVANTS—	
New Town Planner for Amritsar ..	863	Question re grant of 2½ hours leave on Friday to, ..	523
Nominations to District Boards and, ..	76	MUSTAJRI—	
Number of employees in Amrit- sar, ..	440	Question re—	
Posts of sweepers in the, Amritsar ..	441	Grant of, to decree-holders in Ambala district ..	580
Sikh Members of Rohtak, ..	300	Land sold and given on, in exe- cution of decrees of Co-opera- tive Societies' Banks ..	574
Suspension of resolution passed by Lahore, ..	708	MUZAFFAR KHAN, KHAN BAHADUR	
MUNICIPAL EMPLOYEES—		CAPTAIN MALIK—	
Question re Discharged, ..	709	Bill, Thal (Increase in value), References to Select Committee ..	125-27
MUNICIPAL ENGINEER—		MUZAFFAR KHAN, KHAN BAHADUR	
Question re, of Lahore ..	706	NAWAB—	
MUNICIPALITY (IES)—		Staff for preparation of elec- toral rolls ..	833-34
Question re—			
Administrator Lahore, ..	439	N	
Fixing of minimum areas for houses in Lahore by Lahore, ..	437	NADIR SHAH, HAKIM—	
Limits of Lahore, ..	438	Question re Antidote for snake bite prepared by, ..	161
Octroi Revenue of Lahore, ..	439	NAIB TAHILDAR(S)—	
Of Gujrat Town ..	340	Question re—	
MUNI LAL KALIA, PANDIT—		Recruitment communitywise of Extra Assistant Commis- sioners, Tehsildars and, from Ambala Division ..	254
Adjournment motion re discrimi- nation and favouritism to members of Ministerial Party	459-60	Representation against Hoshiarpur ..	229
		Representation of Pandit Tulsī Ram against, Hoshiarpur..	529.

	PAGES.		PAGES.
NAKKEAR DAM SCHEME—		OFFICE—	
Question re, Kangra district ..	11	Question re—	
NAKTI NADI—		Approved candidates for ap-	
Question re damage done to bund		pointments in the English	
constructed in, ..	238	Branch of, of Deputy Com-	
NANAKSAR GURDWARA—		missioner, Rohtak ..	232
Question re looting of shops at,		Communal representation in the	
in Takhtapura police station..	600	establishment of, of	
NARAIN SINGH, SANDHU, SARDAR—		Director, Public Health ..	255
Question re, of village Khara, dis-		Of Inspector General, Civil	
trict Amritsar ..	594	Hospitals ..	257
NEWSPAPERS—		OIL EXPELLER MILLS—	
Question re—		Question re B. C. G. A., Khanewal	580
Approved and black lists of, ..	163		
Declared as unauthorised ..	517		
NILI BAB—			
Question re—			
Allotment of land to small zamin-			
dars in, and Lower Bari Doab			
Colonies ..	240		
Damage to cotton crops in, and			
other colonies ..	580		
NOMINATIONS—			
Question re—			
Persons recommended by Deputy			
Commissioner, Hoshiarpur for,			
to Hoshiarpur District Board	12		
To District Boards and Muni-			
cipal Committees ..	76		
NON-AGRICULTURISTS—			
Question re—			
Agriculturists and, in the Irriga-			
tion Secretariat ..	248		
Treatment of the residents of			
Tiba Dhok Salab and Arazi			
Dhan Singh in Samundri			
Tahsil as,	581		
NORMAL AND MIDDLE SCHOOL—			
Question re complaints against			
Headmistress, Government, for			
girls at Palwal ..	447		
NORTH-WEST FRONTIER PROVINCE—			
Question re sale of rights by cre-			
ditors in Bhakkar Tahsil to			
people belonging to, ..	311		
NOTIFICATION—			
Question re issue of, under section			
264 of the Indian Succession Act	327		
NOTIFIED AREA COMMITTEE—			
Question re—			
Chichawatni ..	67		
Conversion of, Chichawatni into			
2nd class Municipal Committee	431		
NUISANCE—			
Question re, caused by carts full			
of filth and rubbish in Bazar			
Machhihatta, Lahore ..	443		
NURSES—			
Question re scholarships granted for			
training of Dzis and, in Kangra			
District ..	882		
OCTROI REVENUE—			
Question re, of Lahore Muni-			
cipality ..	439		
		P	
		PATIENTS—	
		Question re—	
		Admitted to the Punjab Mental	
		Hospital, Lahore ..	160
		Tuberculosis cases and other,	
		who attended hospitals and	
		dispensaries at Amritsar ..	449
		PATWAR—	
		Question re selection of candidates	
		for, by Settlement Officer, Gur-	
		goan district ..	526
		PATWARIS—	
		Question re—	
		Dismissed by Collector of	
		Ludhiana ..	246
		Salaries of, ..	234
		PERSONAL EXPLANATION—	
		By Diwan Chaman Lal re Loan	
		by United Provinces Govern-	
		ment ..	267—69
		PILOTS—	
		Question re scholarships for pros-	
		pective Punjabis, ..	898
		PISTOLS—	
		Question re licences for, and guns	
		in the province ..	217
		POHAR SINGH, RAO—	
		Bill, Factories (Punjab Amend-	
		ment), motion for reference to	
		Select Committee ..	39—46
		Bill, Motor Vehicles Taxation	
		(Amendment), ..	372-73
		Passage ..	
		Bill, Relief of Indebtedness	
		(Amendment), exemption of	
		certain banks from the opera-	
		tion of the Bill ..	750-51
		POINT OF ORDER—	
		Admissibility of adjournment	
		motion re discrimination or	
		favouritism for which a Minister	
		is responsible ..	495—510
		Whether discussion on the third	
		reading of Bill should be un-	
		limited ..	375-76
		Whether honourable member	
		should vote in accordance	
		with his voice when calling a	
		division ..	860

	PAGES.		PAGES.
POINT OF PRIVILEGE—		PRISONERS—concl'd.	
Re consultation by Speaker with Premier in connection with a ruling	536-37	Question re—	
POLICE—		Health of Kisan Morcha	592
Question re—		Release of Kisan Morcha,	592
Complaint against corruption of, at Bahadurgarh	338	Using of, of Lahore Central Jail for work at the house of Inspector-General of Prisons	329
Encounter between suspects and, in Ludhiana district	698	PRIVILEGES—	
Salaries of Constables and Head Constables of,	346	Question re M. L. A.'s,	452
Strictures against, in Gujrat College Murder Case	445	PROFESSIONAL TAX—	
Strictures by High Court against, at Gujrat	19	Question re representation against,	79
Sub-Inspectors of,	602	PROVINCIAL CIVIL SERVICE—	
POLICE DEPARTMENT—		Question re selected candidates for,	886
Question re recruitment of scheduled castes in, in Sialkot district	347	PROVINCIALIZATION—	
POLICE OFFICIALS—		Question re, of Roads	864
Question re complaints against, of Chaudhary Kaur, district Ambala	705	PROVINCIAL SERVICE—	
POLICE OFFICERS—		Question re grant of extension to members of,	221
Question re suspension of, in Ludhiana District	431	PUBLIC HEALTH EQUIPMENT DEPARTMENT—	
POLICE POST—		Question re Embezzlement in, Jullundur	448
Question re Punitive, at villages Chuhar Chak and Dhudike in Moga tehsil	696	PUBLIC WORKS DEPARTMENT—	
POLITICAL PRISONERS—		Question re—	
Question re hungerstrike of, in Ferozepore District Jail	329	Chief and Superintending Engineers in Buildings and Roads Branch of the,	425
PONDS—		Representation of Sikhs in Provincial Service, in Buildings and Roads Branch	347
Question re, dug in Hissar district	235	PUNISHMENT—	
POPPY CROP—		Question re, to teachers guilty of seduction of boys	144
Question re, in village Palian, Hoshiarpur district	325	PUNITIVE POLICE—	
POSTER—		Question re, at Raja Jang	1, 698
Question re, broadcasting of an objectionable, in Ambala city	897	PUNITIVE POLICE POST(S)—	
POULTRY FARM—		Question re—	
Question re amount of money spent on, Gurdaspur	311	At village Chuhar Chak and Dhudike in Moga tehsil	696
PRABHAKAR EXAMINATION—		In Chima, Jodhpur and Chamanwal in Ludhiana district	71
Question re papers Nos. 3 and 5 of the,	446	In village Bhuchar and other villages in Tehsil Tarn Taran	266
PREMIER—		Quartered in some villages in Ambala district	691
Question re speech of Honourable, in the Jat High School, Rohtak	887	PUNJAB CIVIL SECRETARIAT—	
See Sikander Hayat-Khan, the Honourable Major Sir		Question re, staff	601
PRESIDENT—		PUNJAB ENGINEERING SERVICE—	
Question re complaints against, Municipal Committee, Jhajjar	23	Question re,	603
PRICES—		PUNJAB MENTAL HOSPITAL—	
Question re fixation of, of Urdu Text-Books	451	Question re patients admitted to, Lahore	160
PRISONERS PROTECTION ACT—			
Question re,	885		
PRINTING PRESS PROPRIETORS—			
Question re cases against, of Lahore	455		
PRISONERS—			
Question re—			
Flogging of Kisan Morcha,	593		

Q.

QADIR BAKHSI—

Question re complaint of, against the Head Constable of Balasapur Police Station

QUESTIONS AND ANSWERS—

ABDUL AZIZ, MIAN—

Question re—
Administrator, Lahore Municipality
City of Lahore Corporation Bill

	PAGES.		PAGES.
QUESTIONS AND ANSWERS— CONTINUED—		QUESTIONS AND ANSWERS— CONTINUED—	
ABDUL AZIZ, MIAN		AMJAD ALI SHAH SAYED—<i>conclid.</i>	
Question re—		Offer of a building for Middle	
Discharged Municipal em-		Girls School at Zira ..	883
ployees ..	709	Schedule of minimum and	
Limits of Lahore Munici-		maximum areas for houses	
pality ..	438	in Lahore ..	436
Municipal Engineer of		Scholarships for prospective	
Lahore ..	706	Punjabi Pilots ..	398
Octroi revenue of the Lahore		BADE MOHY-UD-DIN QADRI, KHAN	
Municipality ..	439	SANIS SAYED—	
Suspension of a Resolution		Question re double fee charged	
passed by the Lahore Muni-		in schools ..	155
cipal Committee ..	708	BAREAT ALI MALIK—	
ABDUL HAMID KHAN, SUFI—		Question re—	
Question re—		Appointment of Members of	
Acquisition of land at the		Assembly as Sub-Regis-	
foot of Shiwalik Hills in		trars or Honorary Magis-	
Kharar and Rupar tahsils	596	trates ..	896
Allotment of lands to land-		Complaints against Head-	
less people of Ambala and		mistress, Government Nor-	
Karnal districts ..	589	mal and Middle School for	
Provincialization of roads ..	864	Girls at Palwal ..	447
Rate of interest on Taccavi		Distribution of official ad-	
loans ..	590	vertisements among papers	
ABDUL RAB, MIAN—		in the Punjab ..	897
Question re—		Effort made by Secretary,	
Debt Conciliation Board,		Municipal Committee, Dal-	
Bhakkar ..	591	housie, to change the name	
New appointments to be made		of Dalhousie General Post	
in the Irrigation Secretariat,		Office ..	433
Punjab ..	249	Embezzlement in Public	
Number of agriculturists and		Health Equipment De-	
non-agriculturists in the		partment, Jullundur ..	446
Irrigation Secretariat ..	248	Irregularities in administra-	
Punjab Relief of Indebted-		tion of Central Jail, Lahore	
ness Act ..	311	Transfer of clerks from Head	
Sale of rights by creditors in		Office of Deputy Commis-	
Bhakkar Tehsil to people		sioner, Criminal Tribes, to	
belonging to North-West		sub-offices ..	330
Frontier Province ..	311	Using prisoners of Lahore	
Travelling allowance paid to		Central Jail for work at	
members of Debt Concilia-		the House of Inspector-	
tion Boards ..	312	General of Prisons ..	329
AJIT SINGH, SARDAR—		BHAGAT RAM SHARMA, PANDIT—	
Question re—		Question re—	
Representation of Sikhs in		Band Balyahu Dam Sur-	
Provincial Service in Pub-		vey ..	10
lic Works Department		Nakehar Dam Scheme,	
(Building and Roads		Kangra district ..	11
Branch) ..	347	Reports of thefts and dacoit-	
Subsistence allowance for		ies registered at various	
parents of Comrade Chanan		police stations in the Kangra	
Singh ..	223	district ..	7
ANWAR ALI, PIR—		Strictures against police in	
Question re Sub-Registrar,		the Gujrat College Murder	
Rupar ..	356	Case ..	445
AMJAD ALI SHAH, SAYED—		CHAMAN LALL, DIWAN—	
Question re—		Question re training of Mid-	
Air Raid Prosecutions		wives in Lady Alitchison	
for Lahore ..	898	Hospital, Lahore ..	890
		DISHBANDHU GUPTA, LALA—	
		Question re—	
		Information about grant-in-	
		aid to recognized and aided	
		schools ..	149

QUESTIONS AND ANSWERS— CONTINUED—	PAGES.
DESHBANDHU GUPTA, LALA— <i>concl'd.</i>	
Question re—	
Licence fee for sale of ghee in Ludhiana ..	72
Revised Terminal Tax Schedule of Cantonment Board of Ambala ..	77
DEV RAJ SETHI, MR.—	
Question re—	
Cases filed by debtors before Debt Conciliation Board, Jhang ..	320
Cases of corruption under trial in the districts of Jhang and Lyallpur ..	222
Chief and Superintending Engineers in Buildings and Roads Branch of the Public Works Department ..	425
Chief and Superintending Engineers in Irrigation Branch ..	248
Contract for Firm tax in Jhang district ..	591
Criminal cases in Jhang and Lyallpur districts ..	424
Debts declared fictitious by Civil Courts, Jhang ..	317
Debts discharged by Debt Conciliation Board, Jhang ..	592
Decretal Debt ..	346
Disqualification of Lala Ram Narain Virmani as a result of election petition against him ..	692
Expenses incurred in Fatehwal Murder case ..	327
Lala Bhagat Ram Chanana of Lyallpur ..	14
Murders and dacoities committed in the districts of Jhang and Lyallpur ..	425
Permission to be represented by a Lawyer before Debt Conciliation Board, Jhang ..	320
Punitive Police at Raja Jang ..	1, 698
Quota of I.C.S. officers in the Punjab ..	893
Remarks against Abdul Haq Shah, Head Constable, Police ..	19
Remissions in the districts of Jhang, Lyallpur, Montgomery and Multan ..	244
Thatta Riot case ..	889
DUNI CHAND, LALA—	
Question re—	
Aksariyat ya Khoon ..	893
Appointment of Executive Officers by election ..	696
Arrest and prosecution of Ahrar leaders and workers ..	511

QUESTIONS AND ANSWERS— CONTINUED—	PAGES.
DUNI CHAND, LALA— <i>concl'd.</i>	
Question re—	
Complaints against police officials of Chamkaur, district Ambala ..	705
Complaint of Qadir Bakhsh against the Head Constable of Batalaspur Police Station ..	338
Devastation made by Som Nadi ..	233
Grant of mustajri to decree-holders in Ambala district ..	590
Grant of recognition to Middle Arya School, Burka Kalan ..	143
Lands attached and transferred to Collector, district Ambala ..	579
Licences for firearms ..	452
Master Salig Ram, Vernacular Teacher, Government School, Rupar ..	140
Migration from Hissar, Gurgaon and Rohtak districts ..	240
New road in the Ambala district ..	339
Prosecution and internment of M. L. A.'s (Punjab) ..	213
Punishment to teachers guilty of seduction of boys ..	144
Punitive police post quartered in some villages in Ambala district ..	691
Recruitment community-wise of Extra Assistant Commissioners, Tahsildars and Naib-Tahsildars from Ambala division ..	254
Salaries of Constables and Head Constables of Police ..	340
Salaries of patwaris ..	234
Securities taken under the Indian Press (Emergency Powers) Act of 1931 ..	162
Shadowing of M. L. As. ..	214
Sub-Inspectors, Co-operative Societies, who were made in charge of the famine relief work at Hissar ..	578
Upper India Glass Works, Ambala City ..	323
DUNI CHAND, MRS.—	
Question re—	
Broadcasting of an objectionable poster in Ambala city ..	897
Home Science School at Sharakpur, district Lahore ..	149
Inspectress of Lahore Circle Girls' schools ..	151
Nuisance caused by carts full of filth and rubbish in Bazar Machhihatta, Lahore ..	443

QUESTIONS AND ANSWERS—

CONTINUED—

DUNI CHAND, MRS.—*concl'd.*

Question re—

Orders issued by Education Department to aided Hindi Girls' schools stopping their grant-in-aid ..
Refusal for the grant of scholarship to Bibi Surat Kaur of Kharar ..

150

882

FAZAL DIN, KHAN SAHIB CHAUDHRI—

Question re—

Dacoities on the road to village Dala in district Ferozepore ..
Roads in rural areas in Amritsar district ..

20

20

GHULAM RASUL, CHAUDHRI—

Question re irrigation facilities for lands in village Butewali in Gujranwala district ..

348

GHULAM SAMAD, KHAN SAHIB KHAWAJA—

Question re—

Abiana in canal irrigated area of Palwal ..

238

Antidote for snake bite prepared by Hakim Nadir Shah ..

161

Appointment of dispensers in dispensaries and hospitals in the Punjab ..

450

Complaints against President, Municipal Committee, Jhajjar ..

23

Damage done to bund constructed in Nakti Nadi ..

238

Election of Vice-President of Tohana Small Town Committee ..

864

Grant of 2½ hours' leave on Fridays to Muslim Government servants ..

523

Land sold and given on mustajri in execution of decrees of Co-operative Societies' Banks. ..

574

Ponds dug in Hissar district ..

235

Working of Agrarian Laws ..

576

GOPAL DAS, RAI BAHADUR LALA—

Question re—

Application for notification as an agricultural tribe ..

309

Building scheme for Lahore prepared by Mr. A. C. Macnabb ..

438

Fixing of minimum areas for houses in Lahore by Lahore Municipality ..

437

Reclamation of lands in Kangra district by Anti-Erosion Circle. ..

580

QUESTIONS AND ANSWERS—

CONTINUED—

GOPAL DAS, RAI BAHADUR LALA—

Question re—

Scholarships granted for training of dais and nurses in Kangra district ..

882

GOPI CHAND BHARGAVA, DR.—

Question re—

Apportionment of cost of additional police post, Raja Jung ..

2

B. C. G. A. Oil Expeller Mills, Khanewal ..

580

Cancellation of licences by the Deputy Commissioner, Kangra ..

516

Conversion of Notified Area Committee, Chichawatni, into 2nd Class Municipal Committee ..

431

Damage done in Sheikhupura district by Thur ..

247

Detention of Sardar Iqbal Singh ..

516

Exemption of Aheris from application of Criminal Tribes Act ..

328

Extension given to Mr. Sherani and Mr. Muhammad Shafi of Oriental College, Lahore ..

147

Extension of franchise and abolition of nominations in Ludhiana Municipal Committee ..

427

False Travelling Allowance Bills by Sub-Judges ..

514

Grant of extension to members of Provincial service ..

221

Increase in the number of Administrative Sub-Judges ..

327

Internment of Sardar Bhagat Singh of Bilga, district Jullundur ..

216

Law College, Lahore ..

139

Mayo Hospital affairs ..

161

Municipalities of Gujrat Town ..

340

Punitive Police Post at village Chubar Chak and Dhudike in Moga tahsil ..

696

Purchase of cows for concentration camps in Hissar district. ..

244

Refusal of Legal Adviser's interview with Sardar Iqbal Singh, interneer ..

216

Remission for wheat crops in Kasur tahsil ..

238

Stagnant water in Chhota Ravi, Lahore ..

12

PAGES.

PAGES.

QUESTIONS AND ANSWERS—
CONTINUED.QUESTIONS AND ANSWERS
CONTINUED—GURBACHAN SINGH, SARDAR
BAHADUR, SARDAR—

Question re—

Electrification of rural centres .. 434

Recruitment of communities to service in various departments .. 27

HAIRAT KHAN DARRA, KHAN—

Question re—

Absence of culverts on watercourses in Nili Bar .. 241

Allotment of land to small zamindars in Nili Bar and Lower Bari Doab colonies .. 240

Damage to cotton crops in Nili Bar and other colonies .. 580

"Daura Chah" revenue in Multan division .. 577

Grant of lands to zamindars in Makhdom Vinol Forest Area .. 310

Reduction in supply of water in old Sidhawal canal .. 577

Zamindars of districts of Multan, Muzaffargarh and Dera Ghazi Khan not using canal water in growing grains in wad watar .. 241

HANS RAJ, BHAGAR—

Question re—

Admission of students belonging to scheduled castes to the Madhagan Engineering College, Lahore .. 347

Instructions to heads of Government departments for making appointments .. 599

Recruitment of scheduled castes in the Police Department in Sialkot district .. 347

Scholarships for scheduled castes .. 157

HARI LAL, MUNSHI—

Question re—

Compensation to sufferers in communal riot at Multan .. 219

Difficulties of applicants for grant of licences and registration under the Money-lenders Registration Act .. 326

Introduction of shift system for combating illiteracy in the Punjab .. 449

HARI LAL MUNSHI—concd.

Question re—

Scheme of engaging Traveling Teachers .. 448

Strictures by High Court against the Police at Gujrat .. 19

HARJAB SINGH, SARDAR—

Question re—

Realization of fine imposed on people of Mahilpur, district Hoshiarpur .. 69

Realization of land revenue in Hoshiarpur district .. 249

Refusal of police to return register to Ram Bakha Mal Khara, of Hoshiarpur .. 69

Sardar Hari Singh, M.L.A., a Kisan Morcha prisoner .. 328

HARI SINGH, SARDAR—

Question re—

Amar Singh, an absconder in the Babar Akali Conspiracy case .. 884

Amritsar Municipal Committee .. 685

Appointment of Sub-Registrar for district Sialkot .. 685

Arrest in connection with Lahore Kisan Morcha .. 451

Constitution of the Simla Municipal Committee .. 685

Damage to crops .. 529

Demonstration by Kisans at Lahore .. 162

Election petitions in connection with last district board elections, Hoshiarpur .. 336

Electoral roll Punjab Legislative Assembly .. 250

Failure of poppy crop in village Palian .. 325

Famine conditions in Hissar district .. 249

Flogging of Kisan Morcha prisoners .. 593

Health of Kisan Morcha prisoners .. 592

Last elections to District Board, Hoshiarpur .. 332

Lower Bari Doab Canal .. 230

M. L. A.'s privileges .. 452

Official version of the incidents at Thatha .. 834

Princes' Protection Act .. 835

Poppy crops in village Palian, district Hoshiarpur .. 325

QUESTIONS AND ANSWERS—

CONTINUED—

HARI SINGH, SARDAR—concl.—

Question re—

Realization of rent for private lorry stands by Lahore Municipality .. 345

Registration of motor vehicles .. 343

Release of Kisan Morcha prisoners .. 592

Representation against Naib-Tahsildar, Hoshiarpur .. 229

Representation of Pandit Tuli Ram against the Naib-Tahsildar, Hoshiarpur .. 529

Representations regarding interference in last District Board Elections, Hoshiarpur .. 333

Sardar Daya Singh, an internee .. 162

Sardar Teja Singh Swatantra, State Prisoner .. 451

Sardar Ujagar Singh Uti .. 328

Wheel Tax .. 344

Zaildar of Magowal, tahsil Garhshankar .. 529

HARNAM SINGH, CAPTAIN

SODEI—

Question re—

Beating of Sardar Kishan Singh, Lambardar, Kulgarhi, tahsil Ferozepore, by Assistant Sub-Inspector, Police, Police Station Mallanwala .. 75

Cows in the Government concentration camps .. 233

Hearnwah distributary in Ferozepore district .. 228

Sample of anti-snake bite medicine by one Sardar Dhean Singh .. 146

Supervisor, Grey Canals, district Ferozepore .. 233

Total commanded area on Barneswah .. 527

JAGJIT SINGH BEDI, TREA—

Question re—

Detection of cases of corruption by the anti-corruption department .. 518

Government service and Bundlai Sikhs in Multan and Jhang districts .. 220

Imposition of Khush Haisi-at Tax in Dipalpur and Pakpattan tahsils .. 437

Treatment of the residents of Tiba Dhak Salah and Arazi Dhan Singh in Samundri tahsil as non-agriculturists .. 581

QUESTIONS AND ANSWERS—

CONTINUED—

JALAL-UD-DIN AMBER, CHAUDHRI—

Question re Taccavi in Attock district .. 587

JUGAL KISHORE, CHAUDHRI—

Question re—

Breaking out of a fire in village Saranwala in district Ambala .. 590

Cases of cattle lifting in Ambala district .. 872

Sinking of wells for the scheduled castes .. 877

KABUL SINGH, MASTER—

Question re elections to district board, Jullundur .. 74

KARAMAT ALI, SHAIKH—

Question re—

Imposition of Sanitation tax by District Board, Sialkot .. 78

Zafarwal Dispensary .. 187

KARTAR SINGH, CHAUDHRI—

Question re patients admitted to the Punjab Mental Hospital, Lahore .. 160

KARTAR SINGH, SARDAR—

Question re—

Sikh Headmasters of High Schools .. 349

Sikh members of Rohtak Municipal Committee .. 350

KISHAN SINGH, SARDAR—

Question re—

Beating of Lambardar, Kulgarhi, tahsil Ferozepore, by Assistant Sub-Inspector, Police, Police station, Mallanwala .. 75

Hunger strike of political prisoners in Ferozepore District Jail .. 329

KRISHNA GOPAL DUTT, CHAUDHRI—

Question re lathi charge in the Raghunath temple at Gujarwala .. 80

LAL SINGH, SARDAR—

Question re—

Cancellation and grant of arms licences in Ludhiana district .. 342

Punitive police post in Chima, Jodhpur and Chamanwal in Ludhiana district .. 71

Strictures against the Gujarat College Murder Case .. 22

MUHAMMAD ABDUL RAHMAN KHAN, CHAUDHRI—

Question re—

Allegations against a Deputy Collector of Irrigation Department .. 588

	PAGE.
QUESTIONS AND ANSWERS—	
CONTINUED.	
MUHAMMAD AKBAR KHAN, KHAN	
BAHADUR, RAJA—	
Question re—	
Exemption of a house of an agriculturist from attachment in execution of a decree ..	307
Issue of notification under section 264 of the Indian Succession Act ..	327
MUHAMMAD AMIN, KHAN SAHIB	
SHIKH—	
Question re communal representation in the office of Deputy Commissioner, Dera Ghazi Khan ..	348
MUHAMMAD ASAM KHAN, SARDAR—	
Question re Additional District Magistrate, Dera Ghazi Khan ..	600
MUHAMMAD HASAN CHAUDHRI—	
Question re—	
Anti-Corruption Department	214
Arrests of dacoits committing murder and dacoity in village Hathur in Ludhiana district ..	266
Disallowance of a resolution by the Chairman, District Board, Ludhiana ..	706
Encounter between police and suspects in Ludhiana district ..	698
Executive Officer of Ludhiana Municipal Committee ..	421
Gun and revolver licences ..	217
Hospital Advisory Committee, Ludhiana ..	141
Ludhiana District Board affairs ..	703
Mismanagement of Ludhiana District Board Funds ..	11
New Bye-laws of District Board, Ludhiana ..	421
Patwaris dismissed by Collector of Ludhiana ..	246
Persons recommended by Deputy Commissioner, Hoshiarpur, for nominations to Hoshiarpur District Board ..	12
Restitution of mortgaged lands ..	241
Roads in Beit Naga in Ludhiana district ..	4
Suspension of police officers in Ludhiana district ..	431
MUHAMMAD HASAN KHAN GUR-	
CHANI, KHAN BAHADUR SARDAR—	
Question re—	
Collapse of a portion of the building of the Veterinary Hospital, Jampur ..	599
Collection of "Gha charai" in Dera Ghazi Khan district ..	235

	PAGE.
QUESTIONS AND ANSWERS—	
CONTINUED.	
MUHAMMAD HASSAN KHAN GUR-	
CHANI, KHAN BAHADUR SARDAR—	
concl'd.	
Question re—	
Degree college in Dera Ghazi Khan district ..	87
Girls' schools in Dera Ghazi Khan ..	135
Hospitals in hilly tracts of Dera Ghazi Khan district ..	445
Primary and middle schools in the hilly tracts of Dera Ghazi Khan district ..	135
Remission of revenue in Jampur and Sanghar tahsil ..	234
Reservation of land for grazing purposes in Dhundi Estate ..	574
Zamindars in financial difficulties due to the new Acts ..	235
MUHAMMAD IFTIKHAR-UD-DIN,	
MIAN—	
Question re interference in elections ..	873
MUHAMMAD NURULLAH, MIAN—	
Question re—	
Recruitment of college staff of University Law College ..	155
Teaching staff of University Law College ..	151
MUHAMMAD SARFRAZ KHAN,	
RAJA—	
Question re occupation of rest-houses by members of debt conciliation board ..	23
MUHAMMAD WILAYAT HUSAIN	
JEELANI, MAHRUMZADA HAJI	
SAYED—	
Question re—	
Additional District Magistrates ..	602
Jurors and assessors ..	601
Punjab Civil Secretariat staff ..	601
Punjab Engineering Service ..	603
Sub-Inspectors of police ..	602
MUHAMMAD YUSUF KHAN, KHAN—	
Question re—	
Amendment of Zaidari Rules ..	591
Candidates for the post of Financial Advisor, Co-operative Department ..	519
Carnivals ..	423
Communal representation among Deputy Registrars, Co-operative Department ..	343
Felling of shisham trees in Murree tahsil ..	596
Financial Advisor, Co-operative Department ..	324
Inquiries into allegations against Government servants ..	223

QUESTIONS AND ANSWERS—	PAGES.
CONTINUED—	
MUHAMMAD YUSUF KHAN KHAN—	
concl'd.	
Question re—	
Money allotted for Rural Development in the Province	321
Reports of Forest Commission, Unemployment Committee and Revenue Committee	308
MUKAND LAL PURI, RAI BAHADUR—	
Question re—	
Fictitious claims before the Debt Conciliation Board	312
Places visited by the Debt Conciliation Board, Jhelum	313
Travelling allowance to members of the Debt Conciliation Board, Jhelum	312
MUNI LAL KALIA, PANDIT—	
Question re—	
Chandhri Walayat Husain, Revenue Assistant, Ludhiana	222
Collision between the diesel rail cars and motor buses at Moga and Dasuya	428
Elections of District Board, Ludhiana	80
Loss of life due to unfenced Railway lines and unattended level crossings	430
Posting of additional police post in villages Chananwal and others in district Ludhiana	83
MUZAFFAR KHAN, KHAN BAHADUR NAWAB—	
Question re—	
Drought in Attock district	582
Failure of crops in Attock district	584
Relief for scarcity of fodder in Attock district	585
MUZAFFAR KHAN, KHAN BAHADUR CAPTAIN MALIK—	
Question re—	
Grant of licence for Makarwal Colony in Isa Khel tahsil of Mianwali district	322
PARTAP SINGH, SARDAR—	
Question re licences for pistols and guns in the province	217
RAGHBER KAUR, SHERMATTI—	
Question re—	
Baba Kesar Singh	597
Comrade Gurmukh Singh	595
Detenus in the Lahore Fort	221
Lorry stands in Lahore	571
Opening of a girls' school at Bilga, district Jullundur	155
Sardar Balwant Singh	597
RUE SINGH, SARDAR—	
Question re—	
Landed property acquired by Sadhu Singh, Sub-Inspector of Police	21

QUESTIONS AND ANSWERS—	PAGES.
CONTINUED—	
RUE SINGH SARDAR—concl'd.	
Question re—	
Looting of shops at Nanakassar Gurdwara in Takhtpura police station	600
SADIQ HASAN, SHAIKH—	
Question re Domestic Science	879
SAHIB DAD KHAN, KHAN SAHIB CHAUDHRI—	
Question re—	
Communal proportion among fresh appointments made by District Judge, Hissar	346
Communal representation among teachers in Girls' schools in Hissar district	253
Deputy Registrar, Co-operative Department	600
Deputy Superintendent, Veterinary, Hissar	600
Girls' schools in Hissar district	252
Industrial school at Hissar	254
Muslim Extra Assistant Commissioners and Sub-Judges	347
SAHIB RAM, CHAUDHRI—	
Question re—	
Advertisements of Debt Conciliation Boards and Law courts and newspapers	213
Births and deaths in Hissar district	25
Collection of funds for relief of Turkish Sufferers	891
Collection of funds for war by Commissioners and Deputy Commissioners	892
Communal ratio in Ambala division	899
Complaint of one Gobind Ram of village Ram Pura Dhillanwala, district Hissar	524
Distribution of fodder in Hissar district	225
Embezzlement in Hissar	
Famine Relief Works	224
Fodder camp at Jhonia, tahsil Bhiwani	225
Jawgras of the Rohtak district	525
Murders and dacoities in Rohtak, Gurgaon, Hissar and Karnal districts	261
Refusal of Headmaster of Toshani School in Bhiwani tahsil	146
Scarcity of drinking water in village Adampur	160
Selection of candidates for Patwar by Settlement Officer, Gurgaon district	526
Taccavi for wells in the district of Gurgaon	899

PAGES.

QUESTIONS AND ANSWERS—

CONTINUED—

SANT RAM SETHI, DR.—

Question re—

Communal representation in the establishment of the Office of Director of Public Health	255
Death of hisans in jails	331
Government High School, Amritsar	259
Grant of stipends to students to specialize in industries in foreign countries ..	323
Inspectors of schools ..	260
New Town Planner for Amritsar Municipal Committee ..	863
Number of employees in the Municipal Committee, Amritsar ..	440
Office of Inspector-General, Civil Hospitals ..	257
Posts of sweepers in Municipal Committee, Amritsar ..	441
Supersessions in Education Department ..	877
Supersessions in Medical Department ..	876
Theft cases within the Municipal limits of Amritsar ..	441
Tuberculosis clinics and other patients who attended hospital and dispensaries at Amritsar ..	449
Urdu and English Copyists in district courts, Amritsar ..	531
Water Supply scheme for Town Committee of Giddar Baha ..	877

SATTAPAL, DR.—

Question re—

Removal of nuisance caused by storm-water channel on Beadon Road, Lahore ..	80
Representation against professional tax ..	79

SHEE RAM SHARMA, PANDIT—

Question re—

Approved and black lists of newspapers ..	163
Approved candidates for appointments in the English Branch of the office of the Deputy Commissioner, Rohtak ..	232
Arrests under Defence of India Act ..	455
Chaukidara system in Municipal and Small Town Committees ..	688
Complaint against corruption of police at Bahadurgarh ..	338
Complaints against Headmaster, Palwal High School ..	874
Contractors who applied for supplying Taccavi fodder ..	531

PAGES.

QUESTIONS AND ANSWERS

CONTINUED—

SHEE RAM SHARMA, PANDIT—
concl'd.—

Question re—

Dead House, Rohtak ..	138
Declaring Haryana Tilak Newspaper of Meerut as unauthorized ..	515
Departmental inquiry in connection with famine relief work ..	230
Discipline in Intermediate College, Rohtak ..	135
Government High School for Girls at Bhiwani ..	447
Grant of special certificates to untrained teachers ..	446
Hindi Mahajai School, Sirsa ..	599
Increase of death rate in Hansi tahsil ..	875
Interview of Mahajans of village Ghiasoli (Sonapat) with Superintendent of Police, Rohtak ..	336
Issue of warrants of arrest against Thakur Ram Singh ..	889
Land revenue, abiana and taccavi loans realised from Jhajjar tahsil ..	530
Liquidated Co-operative Societies, Rohtak and Karnal districts ..	318
Newspapers declared as unauthorized ..	517
Papers Nos. 3 and 5 of the Prabhakar examination ..	446
Prohibition of begar and opening of public wells to Harijans ..	686
Satta gambling in Rohtak Town ..	337
Scholarships for Harijans ..	137
Selected candidates for P.C.S. Speech of Premier in the Jat High School, Rohtak ..	887
Spread of new kind of disease in famine-stricken area of Jhajjar tahsil ..	879
States Protection Act ..	211
Subordinates in Famine Test Work, Rohtak district, dismissed or punished otherwise ..	232
Viceregal Darbar at Hissar ..	211
Victimization of Mahajans in Mewat Area of district Gurgaon ..	600

SITA RAM, LALA—

Question re closing of Civil Courts on last Saturdays ..	327
--	-----

QUESTIONS AND ANSWERS—
CONTINUED—

SOHAN LAL, RAI SAHIB LALA—

Question re—

Fixation of prices of Urdu
Text-Books ..

451

Retirement of Chief En-
gineer of Irrigation Depart-
ment ..

586

SOHAN SINGH JOSHI, SARDAR—

Question re—

Agreement between leaders
of Kisan Morcha and the
Premier ..

212

Amount of money spent on
Poultry Farm, Gurdaspur ..

311

Arrests under Criminal Law
(Amendment) Act ..

889

Arrests under Defence of
India Act ..

514

Dr. Bannerjee of Bargarha
State, Bengal ..

594

Banning entries of persons in
Province ..

889

Cases against Printing Press
Proprietors of Lahore ..

455

Demand of security from
Weekly *Dukhi Dunya* ..

212

Loud speakers ..

313

Moga agitation on Rayya
Rajbah ..

212

Notified Area Committee,
Chichawatni ..

67

Punitive police post in vil-
lage Bhuchar and other
villages in tahsil Tarn
Taran ..

266

Sardar Dalip Singh of village
Tapiala ..

594

Sardar Iqbal Singh Hundal ..

890

Sardar Narain Singh Sandhu
of village Khara, district
Amritsar ..

594

Travelling Allowance drawn
by Director of Information
Bureau for going to Shola-
pur ..

513

Voting of money for war by
Co-operative Unions in the
Punjab ..

310

SULTAN MAHMUD HOTIANA, MIAN—

Question re—

Charging of fees by doctors
in family ward of Mayo
Hospital, Lahore ..

141

Destruction of cotton crop by
Tirak ..

308

Irrigation facilities for village
Fakhian, Pakpattan tahsil ..

247

Metalled roads for villages in
Beit, tahsil Pakpattan ..

77

Nominations to district boards
and municipal committees ..

76

Representation in services to
under-represented districts ..

219

Representation of Muslims on
District Board, Montgomery ..

76

QUESTIONS AND ANSWERS—
CONCLUDED—

QUESTION HOUR—

Dispensing with, .. 747, 817

R.

RAGHIB KAUR, SHRIMATI—

Bill, Motor Vehicles Taxation
(Amendment), Passage .. 373-74

RAGHUNATH TEMPLE—

Question re—

Lathi charge in the, at Gujran-
wala .. 80

RAIDS—

Adjournment motion re, in Isa
Khel .. 351-53

RAILWAY LINES—

Question re loss of life due to
unfenced, and unmanned
Level crossings .. 430

RAM NARAIN VIRMANI, LALA—

Question re disqualification of,
as a result of the election
petition against him .. 692

RAM RAJHA MAL, KHEHA—

Question re refusal of police to
return register to, of Hoshiar-
pur .. 60

RAM SINGH, THAKAR—

Question re issue of warrants of
arrest against, .. 889

RASHIDA LATIF BAJI, BEGUM—

Bill, Excise (Amendment), Cir-
culation .. 482-85Bill, Motor Vehicles Taxation
(Amendment), Motion for
eliciting public opinion .. 273-79Staff for preparation of electoral
rolls .. 833-39

RATE—

Question re, of interest on
Taccavi loans .. 690

RAYYA RAJRAJ—

Question re Moga agitation on, .. 312

RECLAMATION—

Question re, of lands in Kangra
district by anti-Erosion Circle .. 586

RECOGNITION

Question re grant of, to Middle
Arya School, Rurka Kalan .. 143

RECRUITMENT—

Question re—

Of College staff of University
Law College .. 155Of communities to services in
various departments .. 27

REFERENCES—

To Binda Saran, Rai Bahadur .. 133-34

REGISTRATION—

Question re—

Difficulties for grant of licences
and, under the Money Len-
ders' Registration Act .. 326

Of Motor Vehicles .. 343

RELEASE—

Question re of Kisan Morcha
prisoners .. 592

	PAGES.		PAGES.
RELIEF—		REVENUE—	
Question re, for scarcity of fodder in Attock district ..	585	Question re—	
RELIEF OF INDEBTEDNESS ACT—		“Daura Chah,” in Multan division ..	577
Question re, ..	311	Remission of, in Jazapur and Sanghar tahsils ..	234
RELIEF OF INDEBTEDNESS (AMENDMENT) BILL—		REVENUE ASSISTANT—	
Circulation, ..	539—69, 606—27.	Question re Chandhri Walayat Husain, Ludhiana ..	222
Consideration, ..	539, 628—61, 747—816.	REVENUE COMMITTEE—	
Court, Definition of, ..	628—37	Question re reports of Forest Commission, Unemployment Committee and, ..	308
Interest, rate of, ..	637—61	REVOLVER—	
Presentation of Report of Select Committee ..	172	Question re gun and, licences ..	217
RELIEF WORK—		RIASAT ALI, KHAN BAHADUR CHAUDHRI—	
Question re Sub-Inspectors, Co-operative Societies, who were made in charge of famine, at Hissar ..	578	Bill, Relief of Indebtedness (Amendment), Interest, rate of, ..	645-46
REMISSION(S)—		RIGHTS—	
Question re—		Question re sale of, by creditors in Bhakkar tahsil to people belonging to the North-West Frontier Province ..	311
For wheat crops in Kasur tahsil ..	238	RIOT—	
Of revenue in Jampur, and Sanghar tahsils ..	234	Question re compensation to sufferers in communal, at Multan ..	219
In districts of Jhang, Lyallpur, Montgomery and Multan ..	244	RIOT CASE—	
REPORT(S)—		Question re, Thatta, ..	889
Punjab Unemployment Committee, Discussion ..	304—99	ROAD(S)—	
Of Forest Commission, Unemployment Committee and Revenue Committee ..	308	Question re—	
Of thefts and dacoities registered at various police stations in the Kangra district ..	7	In rural areas in Amritsar district ..	20
REPRESENTATION—		In Beit Ilaga in Ludhiana district ..	4
Question re—		New, in the Ambala district ..	339
Against Naib-tahsildar, Hoshiarpur ..	229	Provincialization of, ..	864
In services to under-represented districts ..	219	ROBERTS, SIR WILLIAM—	
Of Muslims on district board, Montgomery ..	76	Bill, Relief of Indebtedness (Amendment) re percentage of interest to be charged ..	781
RESIDENTS—		RUBBISH—	
Question re treatment of, of Tiba Dohk Salah and Arazi Dhan Singh in Samundri tahsil as non-agriculturists ..	581	Question re nuisance caused by carts full of filth and, in Bazar Machhihatta, Lahore ..	442
RESOLUTION—		RULING—	
Question re—		Adjournment (motions)—	
Disallowance of a, by the Chairman, District Board, Ludhiana ..	705	Not in the hands of Speaker but of the House ..	744
Suspension of a, passed by the Lahore Municipal Committee ..	708	Can be discussed only if the responsibility is of the Government; if the responsibility is of an individual minister, then it can be discussed only on a substantive motion ..	500
REST-HOUSES—		Conduct of Premier cannot be discussed by an, ..	505
Question re occupation of, by members of Debt Conciliation Board ..	23	Discussion of, during budget ..	532-33
RESTITUTION—		Once held to be in order can be ruled out of order before it is finally disposed of, i.e., before it is put to vote and decided by the House ..	499
Question re, of mortgaged lands ..	241	Two definite facts cannot be discussed on an, ..	459
RETIREMENT—			
Question re, of Chief Engineer of Irrigation Department ..	586		

PAGES.	PAGES.
RULING—conclld.—	
Bill(s)—	
Amendments proposed by drafting committee, how put to the House for adoption ..	88
Procedure for dealing with several amendments to the same clause or sub-clause ..	631
Procedure for dealing with motions for circulation and reference to select committee moved as amendments to a motion for consideration ..	270
Division, members should vote in accordance with their voices ..	860-61
Miscellaneous—	
Imputation of motives to action or language of a member, unparliamentary ..	858
If an officer, acting under instructions of his superiors, does an act which amounts to an offence, he is not absolved from criminal liability; but he incurs no other liability ..	510
Incorrect statement made by an honourable member can be corrected when the honourable member making that statement resumes his seat ..	269
Member cannot sit in the House unless he takes oath of allegiance ..	604
No member can contradict a statement made by another member some days ago ..	268
Occupants of the front benches, if they rise, have a prior right to be called by the Chair to speak ..	121
Questions—	
It is irregular for a member to ask questions on behalf of another when the latter is present in the Chamber ..	
May be asked on behalf of a member who is absent ..	604
Which cannot be asked by a member because he has not taken the oath cannot be asked by another on his behalf ..	604
Questions and Answers. Right of answering questions can be delegated, to any member by a Minister ..	69
Question hour. How to be calculated ..	421
Substantive motion. The conduct of an individual Minister can be discussed only on ..	499, 504
Unparliamentary expressions. The words "You have been trampling under foot the rules of procedure" are unparliamentary ..	534, 535
	RURAL AREAS—
	Question re roads in, in Amritsar district ..
	RURAL CENTRES—
	Question re Electrification of, ..
	RURAL DEVELOPMENT—
	Question re money allotted for, in the province ..
	S.
	SAHIB DAD KHAN, KHAN SAHIB CHAUDHRI—
	Supplementary Estimates, General discussion ..
	SAMPURAN SINGH, SARDAR—
	Adjournment motion re Teachers of District Board Schools, Jullundur ..
	Point of order re admissibility of adjournment motion re discrimination or favouritism for which a Minister is responsible ..
	SANTOKH SINGH, SARDAR SAHIB SARDAR—
	Adjournment motion re strike in Government Tanning Institute, Jullundur ..
	Bill, Motor Vehicles Taxation (Amendment)—
	Motion for eliciting public opinion ..
	Passage ..
	Bill, Relief of Indebtedness (Amendment)—
	Circulation ..
	Debts ..
	Interest, rate of, ..
	Reference to late Rai Bahadur Binda Saran ..
	SANT RAM SETH, DR.—
	Question hour, dispensing of, ..
	SEATING ARRANGEMENTS ..
	SEDUCTION—
	Adjournment motion re, of boys by teachers ..
	SHERI RAM SHARMA, PANDIT—
	Adjournment motion re—
	Nominations to Rohtak Municipal Committee ..
	Rohtak Municipal Committee ..
	Question re correspondence between, and Maulvi Fatah Din, Fodder Advisor ..
	Treatment of "Haryana Tilak" as unauthorised newspaper ..
	Bill, Relief of Indebtedness (Amendment), exemption of Co-operative Societies from, ..
	Supplementary Estimates, General discussion ..
	SIKANDER HYAT-KHAN, THE HONOURABLE MAJOR SIR (PREMIER)—
	Adjournment motion re—
	Postponement of elections to local bodies, ..
	Raids in Isa Khel ..

	PAGES.		PAGES.
SIKANDER HYAT-KHAN, THE HONOURABLE MAJOR SIR—concl'd.—		SOHAN LAL, RAI SAHIB LALA—	
Motion re Adjournment of Assembly ..	270, 745, 746.	Reference to late Rai Bahadur Binda Saran ..	134.
Bill, Excise (Amendment). Circulation ..	485—87	SADRU SINGH—	
Bill, Relief of Indebtedness (Amendment)—		Question re landed property acquired by, Sub-Inspector of police ..	21.
Consideration ..	539	SALARIES—	
Court, Definition of, ..	631, 632-33, 635.	Question re—	
Debt, Definition of, ..	794, 807—09.	Of constables and head constables of police ..	340.
Exemption of certain banks from operation of, ..	755—60, 761-62.	Of patwaris ..	234.
Interest, rate of, ..	637, 638, 639, 640, 649-50.	SALE—	
Percentage of interest to be charged ..	781	Question re, of rights by creditors in Bhakkar tahsil to people belonging to the North-West Frontier Province ..	311
Presentation of Report of Select Committee ..	172	SALIO RAM, MASTER—	
Rate of interest to be charged ..	787—90	Question re, vernacular teacher, Government School, Rupar ..	140.
Bill, Thal (Increase in Value), Motion for passage ..	185—91	SANITATION TAX—	
Extra police staff for internal security ..	851—54	Question re imposition of, by District Board, Sialkot ..	78.
Government Business, to be transacted on Thursday ..	131—33, 356, 357-58, 359-60, 362, 606	SARANWALA—	
Hours of sitting, ..	269	Question re breaking out of fire in village, in district Ambala ..	590.
Meeting of Assembly on Wednesday, 21st February, 1940 ..	713, 715-16, 717.	SATTA GAMBLING—	
Meeting on Wednesday and Hours of sitting, ..		Question re, in Rohtak Town ..	337
Personal explanation by Diwan Chaman Lal re Loan by United Provinces Government ..	267	SCARCITY—	
Point of order re admissibility of adjournment motion re discrimination or favouritism for which a Minister is responsible ..	495, 501, 502, 507, 747, 817	Question re—	
Question Hour, dispensing of, ..		Of drinking water in village Adampur ..	160.
Reference to late Rai Bahadur Binda Saran ..	133-34	Relief for, of fodder in Attock district ..	585.
Staff for preparation of electoral rolls ..	839—44	SCHEDULE—	
SITA RAM, LALA—		Question re, of minimum and maximum areas for houses in Lahore ..	436.
Bill, Motor Vehicles Taxation (Amendment), motion for eliciting public opinion ..	279—81	SCHEDULED CASTES—	
Bill, Relief of Indebtedness (Amendment)—		Question re—	
Circulation ..	544—52	Admission of students belonging to, to the MacLagan Engineering College, Lahore ..	347.
Definition of debts ..	790	Recruitment of, in the Police Department in Sialkot district ..	347.
Interest, rate of, ..	658—61, 783—85.	Scholarships for, ..	157.
		Sinking of wells for, ..	877.
		SCHOLARSHIPS—	
		Question re—	
		For scheduled castes ..	157.
		For prospective Punjabi Pilots ..	898.
		For Harijans ..	137.
		Granted for training of Dais and Nurses in Kangra district ..	882.
		Refusal of grant of, to Bibi Surat Kaur of Kharar ..	882.
		SCHOOL(S)—	
		Question re—	
		Complaints against Headmistress, Government Normal and Middle, for Girls ..	447.
		Government High, for Girls at Bhiwani ..	447.
		Hindi Mahajai, Sirsa ..	590.
		Information about grant-in-aid to recognized and aided, ..	149.

PAGES.		PAGES.
	SCHOOL(s)—<i>concl.</i>—	
	Question re—	
	Offer of a building for a Middle Girls' at Zira ..	883
	Primary and Middle, in the hilly tracts of Dera Ghazi Khan district ..	135
	SECRETARY—	
	Question re effort made by, Municipal Committee, Dalhousie, to change the name of the Dalhousie General Post Office ..	433
	SECURITY(IES)—	
	Question re—	
	Demand of, from weekly <i>Dukhi Dunga</i> ..	212
	Taken under the Indian Press (Emergency Powers) Act of 1931 ..	162
	SEDUCTION OF BOYS—	
	Question re punishment to teachers guilty of, ..	144
	SERVICE(s)—	
	Question re—	
	Punjab Engineering, ..	603
	Recruitment of communities to, in various departments ..	27
	Representation in, to under-represented districts ..	219
	SETTLEMENT OFFICER—	
	Question re selection of candidates for patwar by, Gurgson district ..	526
	SHADOWING—	
	Question re, of M. L. A.'s ..	214
	SHREANI, MR.—	
	Question re extension given to, and Mr. Muhammad Shafi of Oriental College, Lahore ..	147
	SHIFT SYSTEM—	
	Question re introduction of, for combating illiteracy in the Punjab ..	449
	SHISHAM TREES—	
	Question re felling of, in Murree tahsil ..	598
	SHIWALIKS HILLS—	
	Question re acquisition of land at the foot of, in Kharar and Rupar tahsils ..	596
	SHOPS—	
	Question re looting of, at Nanak-sar Gurdwara in Takhatpura police station ..	600
	SIDHNAI CANAL—	
	Question re reduction in supply of water in old, ..	577
	SIXE(S)—	
	Question re—	
	Head Masters of High Schools ..	349
	Representation of, in Provincial Service in Public Works Department (Buildings and Roads Branch) ..	347
	SIXE MEMBERS—	
	Question re, of Rohtak Municipal Committee ..	350
	SMALL TOWN COMMITTEE(S)—	
	Question re—	
	Chaukidara system in municipal and, ..	688
	Election of Vice-President of Tohana, ..	864
	SNAKE BITE—	
	Question re antidote for, prepared by Hakim Nadir Shah ..	161
	SOM NADI—	
	Question re devastation made by, ..	233
	SPEAKER, MR.—	
	Adjournment of Assembly ..	746
	SPEECH—	
	Question re, of Honourable Premier in the Jat High School, Rohtak ..	887
	STAFF—	
	Question re, Punjab Civil Secretariat, ..	601
	STATE AID TO INDUSTRIES (AMENDMENT) BILL—	
	Passage ..	91—99
	Presentation of Report of the Drafting Committee on the, ..	88—91
	Report of Drafting Committee, consideration of, ..	88—91
	STATES PROTECTION ACT—	
	Question re the, ..	211
	STIPENDS—	
	Question re, grant of, to students to specialize in Industries in Foreign Countries ..	323
	STORM WATER CHANNEL—	
	Question re removal of nuisance caused by, on Beadon Road, Lahore ..	80
	STRUCTURES—	
	Question re—	
	Against police in Gujrat College Murder case ..	22, 445,
	By High Court against police at Gujrat ..	19
	STRIKE—	
	Adjournment motion re, in Government Tanning Institute, Jullundur ..	167—72
	SUB-INSPECTORS—	
	Question re—	
	Co-operative Societies, who were made in charge of the famine relief work at Hissar ..	578
	Of police ..	602
	SUB-JUDGES—	
	Question re—	
	Increase in the number of administrative, ..	327
	False Travelling Allowance Bills by, ..	514
	Muslim Extra Assistant Commissioners and, ..	347
	SUBORDINATES—	
	Question re, in the Famine Test Work, Rohtak district, dismissed or punished otherwise ..	232

PAGES.	PAGES.
SUB-REGISTRAR(s)—	TACCAVI LOANS—
Question re—	Question re—
Appointment of, for District	Land revenue, abiana and, re-
Sialkot	alised from Jhajjar tahsil ..
Rupar	Rate of interest on, ..
Appointment of some Honour-	530
able Members of Assembly	590
as, or Honorary Magistrates..	TAHSILDARS—
SUBSISTENCE ALLOWANCE—	Question re recruitment commu-
Question re, for parents of Comrade	nity-wise of Extra Assistant Com-
Chaman Singh	missioners, and Naib-tahsildars
SUCCESSION ACT—	from Ambala division ..
Question re issue of notification	264
under section 264 of the Indian,	TEACHERS—
SUNDER SINGH MAJITHIA, THE	Adjournment motion re, of District
HONOURABLE DR., SIR—	Board Schools, Jullundur ..
Adjournment motion re discrim-	661—84
ination and favouritism to	Question re communal representa-
members of Ministerial Party	tion among, in Girls' schools in
Bill, Thal (Increase in Value),	Hissar district ..
motion for consideration ..	263
Supplementary Estimates,	TEACHING STAFF—
General discussion	Question re, of University Law
SUPERINTENDING ENGINEERS—	College
Question re Chief and, in Irriga-	151
tion Branch	TEJA SINGH SWATANTAR, SARDAR—
SUPERSESSIONS—	Ruling re questions of, ..
Question re—	Question re Sardar, State prisoner
In the Education Department..	604
In the Medical Department..	451
SUPERVISOR—	TERMINAL TAX SCHEDULE—
Question re Gray Canals, district	Question re revised, of cantonment
Ferozepore	board of Ambala ..
SUPPLEMENTARY DEMAND—	77
General administration ..	THAL (INCREASE IN VALUE) BILL—
Industries	Circulation to elicit public opinion.
Police	Motion for consideration ..
SUPPLEMENTARY ESTIMATES—	Reference to Select Committee ..
General discussion	102—113
Presentation,	98—102
SUPPLY—	113—130
Question re reduction, of water	THATTA—
in old Sidhnai canal	Question re official version of in-
SURAT KAUE, BIRI—	cidents at,
Question re refusal for the grant	884
of scholarship to, of Kharar ..	THATTA RIOT CASE—
SURREPTITS—	Question re,
Question re encounter between,	889
and police in Ludhiana district ..	THEFTS—
SUSPENSION—	Question re reports of, and daco-
Question re, of police officers in	ities registered at various police
Ludhiana district	stations in the Kangra district..
SWEEPERS—	7
Question re posts of, in the Muni-	THEFT CASES—
cipal Committee, Amritsar	Question re, within the municipal
T.	limits of Amritsar
TACCAVI—	441
Question re—	THEV—
For wells in the district of	Question re damage done in Shei-
Gurgaon	khupura district by, ..
In Attock district	247
TACCAVI FODDER—	TIBA DHAK SALAH—
Question re contractors who appli-	Question re treatment of the resi-
ed for supplying,	dents of, and Arazi Dhan Singh
531	in Samundri tahsil as non-agri-
	culturists
	591
	TIRAK—
	Question re destruction of cotton
	crops by,
	308
	TIRNI TAX—
	Question re contract for, in Jhang
	district
	591
	TOSHAM SCHOOL—
	Question re refusal of Headmaster
	of, in Bhiwani tahsil
	146
	TOWN COMMITTEE—
	Question re water supply scheme
	for, Giddar Baha
	877
	TOWN PLANNER—
	Question re now, for Amritsar
	Municipal Committee
	883

PAGES.		PAGES.
		W.
TRAVELLING ALLOWANCE—		WAD WATTAR—
Question re—		Question re Zamindars of districts
Drawn by Director of Informa-		of Multan, Muzaffargarh and
tion Bureau for going to Shola-	513	Dera Ghazi Khan not using
pur		canal water in growing grain
Paid to members of Debt Con-	312	in, .. 241
ciliation Board		WALAYAT HUSSAIN, CHAUDHRI—
To members of the Debt Con-	312	Question re, Revenue Assistant,
ciliation Board, Jhelum ..		Ludhiana .. 222
TRAVELLING ALLOWANCE BILLS—		WAR—
Question re, false, by Sub-Judges	514	Question re—
TRAVELLING TEACHERS—		Collection of funds for, by
Question re scheme of engaging,	448	Commissioners and Deputy
TUBERCULOSIS—		Commissioners .. 892
Question re, cases and other		Voting of money for, by co-
patients who attended hospitals		operative unions in the Pun-
and dispensaries at Amritsar ..	449	jab .. 310
TULSI RAM, PANDIT—		WARRANTS OF ARREST—
Question re representation of,		Question re issue of, against Tha-
against the Nainb-Tahsildar,	529	kur Ram Singh .. 889
Hoshiarpur ..		WATER—
TURKISH SUFFERERS—		Question re reduction in supply of,
Question re collection of funds	891	in old Sidhnai Canal .. 577
for relief of, ..		WATER SUPPLY SCHEME—
		Question re, for Town Committee
		of Giddar Baha .. 877
		WELLS—
		Question re—
		Prohibition of Begar and open-
		ing of public, to Harijans .. 686
		Sinking of, for the scheduled
		castes .. 877
		Taccavi for, in the district of
		Gurgaon .. 899
		WHEAT CROPS—
		Question re remission for, in Kasur
		tahsil .. 238
		WHEEL TAX—
		Question re, .. 344
		WITHDRAWAL—
		Of Diwan Chaman Lal from the
		House .. 536
		Of Pandit Muni Lal Kalia from
		the House .. 537
		Z.
		ZAFARWAL DISPENSARY
		Question re, .. 157
		ZAILDAR—
		Question re, of Magowal, Tahsil
		Garhshankar .. 529
		ZAILDARI RULES—
		Question re Amendment of, .. 591
		ZAMINDARS—
		Question re, in Financial difficul-
		ties due to the New Acts .. 235
U.		
USAGAR SINGH 'ULT'—		
Question re Sardar, .. 328		
UNEMPLOYMENT COMMITTEE—		
Report of Punjab, Discussion .. 204—09		
Question re reports of Forest Com-		
mission, and Revenue Com-	308	
mittee ..		
UNTRAINED TEACHERS—		
Question re grant of special certi-	446	
ficates to, ..		
UPPER INDIA GLASS WORKS—		
Question re, Ambala City .. 323		
URDU TEXT BOOKS—		
Question re fixation of the prices	451	
of, ..		
V.		
VETERINARY DEPUTY SUPERINTEN-		
DENT—		
Question re, Hissar .. 600		
VETERINARY HOSPITAL—		
Question re collapse of a portion	599	
of the building of the, Jampore		
VICE-PRESIDENT—		
Question re election of, Tohana	864	
Small Town Committee ..		
VICEROYAL DURBAR—		
Question re, at Hissar .. 211		